IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 91-CR-116-E

CONDRIN OIL COMPANY,

Defendant.

DATE 1/28/93

Last care of the

ORDER

Now on this _____ day of January, 1993, this cause comes on to be heard in the matter of the motion of the plaintiff, United States of America, for leave to dismiss the information herein without prejudice. From that motion, and other matters and things, the Court finds:

- 1. That on January 21, 1993, the District Court of Tulsa County, Oklahoma, approved the receiver's second amended plan of payment and reorganization of Condrin Oil Company. The Court has examined said plan, and is of the opinion that said plan offers the possibility of restitution to the victims herein.
- 2. That, accordingly, the dismissal of the instant cause, without prejudice, is in the best interest of justice.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the indictment pending herein against Condrin Oil Company ought to be, and is hereby, dismissed, without prejudice.

IT IS SO ORDERED.

With drawned W. Limber

JAMES O. ELLISON, Chief United States District Judge

DM Gallacgh

NORTHERN

UNITED STATES OF AMERICA

United States District Couktre 1.25.93

JUDGMENT IN A CRIMINAL CASE

District of __OKLAHOMA

	V.	•	illinitied On or Aiter Ho	•
	RICHARD TAYLOR RICHARD ALLEN)	Case Number:	92-CR-089-001 -	ILE
	(Name of Defendant)		yant (FPD) Defendant's Attorney	
THE DEFENDAN	т.		Defendant's Attorney	JAN 2 3 1993
	to count(s) One and Two of	the Indictment	Ric	hard M. Lawrence,
was found guilty plea of not guilty	ty on count(s)	5.10 1.1010 d.110110	HC	ETHERN DISTRICT OF PAR
Accordingly,	the defendant is adjudged guilty o	of such count(s), whic	h involve the following o	offenses:
			Date Offense	Count
Title & Section	Nature of Offense		Concluded	Number(s)
1:841(a)(1)	Distribution of Cocaine	Base	January 15, 199	02 One
1:841(a)(1)	Distribution of Cocaine	Base	March 23, 1992	Two
One and Two IT IS FURTH 30 days of any chassessments imp	lat the defendant shall pay a spector of the Indictment, who less of name, residence, or mail losed by this judgment are fully particle. No.: 527-49-9784	ich shall be due 👿 in it shall notify the Unite ing address until all fi aid.	nmediately as followed States attorney for the nest restitution, costs, and a second costs.	ws: his district within
Defendant's Date of	f Birth: 07–19–73		ry 11, 1993 Date of Imposition of Sent	ence A
Defendant's Mailing	g Address:	. <i>A</i>	IN A MA D	
2814 E. 42nd	Place North		Signature of Judicial Offi	icer
Tulsa, Oklai	United States District Court	ss H. Dale C	cook, U. S. District	
Defendant's Reside	I hereby certify that the ence Address: is a true copy of the origin this Court.	e forennian	Name & Title of Judicial O	
Same as abo	KICHUIG M. LOW!		Date	
		la.		
	Wepu	TY .		

	, ~~
AO 245 S (Rev. 4/90) Sheet 2 - Imprisonment	
AO 245 5 (nev. 4/30) Sheet 2 - Imprisonment	
Defendant: Richard Taylor Case Number: 92-CR-089-001-C	Judgment-Page 2 of 4
IMPRISO	NMENT
The defendant is hereby committed to the custody of t	he United States Bureau of Prisons to be imprisoned for
a term of <u>twenty-four (24) months as to Coun</u>	its One and Two, to run
concurrently with each other.	
☐ The court makes the following recommendations to the	e Bureau of Prisons:
•	
☐ The defendant is remanded to the custody of the United States ma	rshal.
The defendant shall surrender to the United States marshal for this a.m.	district,
☐ at p.m. on	
as notified by the United States marshal. The defendant shall surrender for service of sentence at the institut	ion designated by the Bureau of Prisons.
∑ before XXXXXXX 9:00 a.m. February 16, 199 ☐ as notified by the United States marshal.	93
as notified by the probation office.	
RETU	DAI
hero	AN .
I have executed this judgment as follows:	

Defendant delivered on ______ to _____

United States Marshal

Deputy Marshal

_____, with a certified copy of this judgment.

AO 245 S (Rev. 4/90) Sheet 3 · Supervised Release	
Defendant: Richard Taylor Case Number: 92-CR-089-001-C	Judgment-Page 3 of 4
SUPERVISE	D RELEASE
Upon release from imprisonment, the defendant sha	all be on supervised release for a term of
Three (3) years on Counts One and Two,	to run concurrently with each other.
While on supervised release, the defendant shall not illegally possess a controlled substance. The defendant sadopted by this court (set forth below). If this judgment is supervised release that the defendant pay any such rest term of supervised release. The defendant shall comply The defendant shall report in person to the probation	mposes a restitution obligation, it shall be a condition of itution that remains unpaid at the commencement of the with the following additional conditions:
within 72 hours of release from the custody of the Bu The defendant shall pay any fines that remain unpaid a	reau of Prisons.
▼ The defendant shall not possess a firearm or destruction	

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Richard Taylor Case Number: 92-CR-089-001-C	Judgment-Page 4 of 4
STATEMENT OF F	REASONS
The court adopts the factual findings and guideline appl	ication in the presentence report.
OR	
☐ The court adopts the factual findings and guideline appl (see attachment, if necessary):	ication in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level:	
Criminal History Category:I	
Imprisonment Range: 24 to 30 months	
Supervised Release Range: 2 to 3 years	
Fine Range: \$6,000 to \$2,000,000	
🕱 Fine is waived or is below the guideline range,	, because of the defendant's inability to pay.
Restitution: \$N/A	
☐ Full restitution is not ordered for the following	reason(s):
The sentence is within the guideline range, that range d reason to depart from the sentence called for by applica	oes not exceed 24 months, and the court finds no ation of the guidelines.
OR	
☐ The sentence is within the guideline range, that range e for the following reason(s):	xceeds 24 months, and the sentence is imposed
OR	
The sentence departs from the guideline range	
upon motion of the government, as a result of defend	dant's substantial assistance.
☐ for the following reason(s):	

AÓ 245 S (Rev. 4/90) Sheet 7 - Statement of Reaso

IN THE	UNITED ST	ATES DIST	RICT (COURT	FOI J
	NORTHERN				

IN THE UNIT NOR	TED STATES DIS THERN DISTRICT	TRICT (F OF OK	LAHOMA	LED
UNITED STATES OF AMERIC	A,)	Mohard	MAN 21 1993
Pla	aintiff,)		DISTRICT OF COURT
v.)	91-CR-106-B	•
GEORGE MICHAEL MALONE	,)		
De	efendant.)		

<u>ORDER</u>

Petitioner George Malone, who was sentenced to a 180-month prison term for crimes surrounding a bank robbery, has filed a 28 U.S.C. §2255 motion for relief with this Court. He states, however, that his appeal to the Tenth Circuit is still pending. See, Motion Pursuant To 28 U.S.C. §2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Federal Custody, page 3 (docket #93).

A defendant in a federal criminal prosecution is not entitled to have both a direct appeal and a section 2255 proceeding considered simultaneously except "under [the] most unusual circumstances." Tripati v. Henman, 843 F.2d 1160, 1162 (9th Cir. 1988).1 The reason for this rule is that disposition of the appeal may render the [§ 2255] motion unnecessary. Feldman v. Henman, 815 F.2d 1318, 1320 (9th Cir. 1987).

In this case, nothing in the record suggests any unusual circumstances. Therefore, Malone's §2255 motion is denied. He may re-file his motion once the Tenth Circuit has disposed of his appeal, and the motion is not otherwise then moot.

¹ Also, see United States v. Daily, 921 F.2d, 994, 998 n.2 (10th Cir. 1990) and Fassler v. United States, 858 F.2d 1016, 1019 (5th Cir.

SO ORDERED THIS \angle day of $_$	Van :, 1993.
-	
	- Mr. M.M. all
	flowed RING
	THOMAS R. BRETT
	UNITED STATES DISTRICT JUDGE

FILED

JAN 21 1993

United States District Court

NORTHERN District of OKLAHOMA Richard M. Lawrence, Clerk U.S. DISTRICT COURT

UNITED STATES OF AMERICA JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987) TERRY RAY SHIPLEY Case Number: 92-CR-109-001-B (Name of Defendant) Stephen Greubel Defendant's Attorney THE DEFENDANT: xx pleaded guilty to count(s) One and Two of the Information was found guilty on count(s) __ after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses: Date Offense Count Title & Section Nature of Offense Concluded Number(s) 18 USC 656 Misapplication of Funds from 04-14-92 One & Two Financial Institution The defendant is sentenced as provided in pages 2 through _____4__ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) and is discharged as to such count(s). — (is)(are) dismissed on the motion of the United States. It is ordered that the defendant shall pay a special assessment of \$ 25.00 per count, for count(s) _____, which shall be due 🔀 immediately 🔲 as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs land specialization assessments imposed by this judgment are fully paid. Northern District of Oklahoma) I hereby certify that the foregoing Defendant's Soc. Sec. No.: 429-13-7241 is a true copy of the original on file In this Couri. Richard M. Lawrence, Clerk Defendant's Date of Birth: ____ January 13: 1993 Date of imposition of Sentence John Leo Wagner Defendant's Mailing Address:

Defendant's Residence Address:

Same

Name &

ame & Tifle of Judicial Officer

Judicial Officer

Date

4808 E. Reed Road

North Little Rock, AR 72118

Defendant: SHIPLEY, Terry Ray Case Number: 92-CR-109-001-B

Judgment-Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of <u>one year each in Counts One and Two</u>, both counts to run concurrently.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

A \$450 Fine to be paid at the rate of \$50 per month beginning 02-01-93.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Defendant: SHIPLEY, Terry Ray Case Number: 92-CR-109-001-B	Judgment-Page 3 of 4
FINE	
The defendant shall pay a fine of \$ _450or supervision.	The fine includes any costs of incarceration and/
This amount is the total of the fines imposed on indiv	vidual counts, as follows:
Count One: \$450	
The court has determined that the defendant does no	ot have the ability to pay interest. It is ordered that:
☒ The interest requirement is waived.☐ The interest requirement is modified as follows:	
This fine plus any interest required shall be paid:	

in equal monthly installments over a period of _____ months. The first payment is due on the

date of this judgment. Subsequent payments are due monthly thereafter.

I in installments according to the following schedule of payments:

\$50 per month, beginning 02-01-93.

in full immediately.in full not later than _

AO 245 S (Rev. 4/90) Sheet 5 - Fine

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Case Number: 92–CR–109–001–B	Judgment-Page 4 of 4
STATEMEN'	Γ OF REASONS
X The court adopts the factual findings and guidelin	e application in the presentence report.
	OR
The court adopts the factual findings and guidelin (see attachment, if necessary):	e application in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level:2	
Criminal History Category:I	
Imprisonment Range: 0 to 6 months	
Supervised Release Range:	
Fine Range: \$ 100 to \$ 5,000	
☐ Fine is waived or is below the guideline	range, because of the defendant's inability to pay.
Restitution: \$0	,
☐ Full restitution is not ordered for the follo	owing reason(s):
	_
The sentence is within the guideline range, that rareason to depart from the sentence called for by a	nge does not exceed 24 months, and the court finds no application of the guidelines.
	OR
The sentence is within the guideline range, that ra for the following reason(s):	nge exceeds 24 months, and the sentence is imposed
)
	OR
The sentence departs from the guideline range	
\square upon motion of the government, as a result of α	defendant's substantial assistance.
☐ for the following reason(s):	

A/2 Let S. Rev. 4 au Sheet 7 - Statement of Reasons

JAN 2 0 1993

United States District Court

	Northern D	istrict of <u>Uklanoma</u>		AL X
UNIT	ED STATES OF AMERICA V.		IT IN A CRIME mitted On or After N	GASIES, 1, 1987)
		Case Number:	92-CR-106-001-	B GOLDING
	LARRY R. MENSER			40%
	(Name of Defendant)		Jeff Kearney	
			Defendant's Attorney	
THE DEFENDAN	T:	i atmost		
	to count(s) One of the Ind ty on count(s) ————————————————————————————————————	- Technetic		after a
Accordingly, 1	the defendant is adjudged guilty o	f such count(s), which	involve the following o	offenses:
Title & Section	Nature of Offense		Date Offense Concluded	Count Number(<u>x</u>)
18:371	Conspiracy to Commit Ba	nk Fraud	10-30-89	0ne
The defendan	t is sentenced as provided in page to the Sentencing Reform Act of	is a tree copy of the in this Court. Richard the Lo By 2 Court Court	eyronco, Clark	sentence is
and is dischard Count(s) Two. It is ordered the One of the IT IS FURTH 30 days of any ch	has been found not guilty on courged as to such count(s). Three, & Four of the Indicate the defendant shall pay a specified Indictment, which were the companied of the country of the Indicate the defendant angle of name, residence, or mailing osed by this judgment are fully particular.	tment(#3)(are) dismissed all assessment of \$ ch shall be due #4 immits that I notify the Uniteding address until all fine	ed on the motion of the 50.00 as folloonediately. States attorney for the states at the states	e United States, for count(s) ws: his district within
Defendant's Soc. Soc.	ec. No.: 442-54-0822			
Defendant's Date of	f Birth: 08-26-51		ary 12, 1993	
Defendant's Mailing	Address:	Nous	ite of Imposition of Sent	ence
10120_East_3	ilst Street		Signature of Judicial Off	icer
Tulsa, Oklah		Thomas R. I	Brett, U. S. Dist	cict Judge
Defendant's Reside	nce Address:	Na	me & Title of Judicial C	
4917 East 32	2nd Street #10		1-14-93	
Tulsa, Oklah	noma 74135		Date	
sm				

Defendant:

MENSER, LARRY R.

Case Number:

92-CR-106-001-B

Judgment—Page __2 __ of ___4

PROBATION

The defendant is hereby placed on probation for a term of ______four (4) years

Execution of sentence shall be suspended until 02-08-93 when defendant shall surrender to the Salvation Army CCC at 11:00 a.m. Said sentence to run concurrently with sentence in 91-CR-163-00 While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

- 1. The defendant shall serve first 6 months in community confinement; the first two months at the Salvation Army CCC with the defendant being allowed to engage in approved employment; the defendant is ordered to report to the probation office in the district which released within 24 hours of his release from the Salvation Army CCC. Remaining 4 months to be served in home confinement with electronic monitoring at the discretion of the probation office with the costs of electronic monitoring to the defendant.
- 2. The defendant is to pay restitution as described on Page 3 of this Order.
- 3. The defendant is to abide by the "Special Financial Conditions" of Probation as previously adopted by the Court.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities:
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officenfor schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

AO 245 S (Rev. 4/90) Sheet 6 - Restitution and Forfe				
Defendant: Case Number: MENSER, LARRY R. 92-CR-106-001-B RESTITUT	Judgment—Page 3 of 4			
	RESTITUTION			
The defendant shall make restitution to the following persons in the following amounts:				
Name of Payee	Amount of Restitution			
Commercial Bank & Trust Co. P. O. Box 488 Muskogee, OK 74402-0488	\$101,761.00			
Payments of restitution are to be made to: Kathe United States Attorney for transfer to the payee(s).	the payee(s).			
Restitution shall be paid:				
 ☐ in full immediately. ☐ in full not later than ☐ in equal monthly installments over a period this judgment. Subsequent payments are 				
in installments according to the following	schedule of payments:			
at the direction of the U. S.	Probation Office.			
Any payment shall be divided proportionately a	mong the payees named unless otherwise specified here.			
	FORFEITURE			
☐ The defendant is ordered to forfeit the fol				

AO 245 S (Rev. 4/90) She	et 7 - Statement of Reason	
Defendant: Case Number:	MENSER, LARRY R. 92-CR-106-001-B	Judgment—Page 4 of 4
	STATEME	NT OF REASONS
☐ The court ado	pts the factual findings and guide	line application in the presentence report.
		OR
(see attachme between a minor an in the offense lev Said reduction res the presentence re	ent, if necessary): The Court mand minimal participant in the rel for sentencing under the sulted in offense level of 1	line application in the presentence report except de a factual finding the defendant was somewhere e offense and afforded him a three-level reduction Guidelines in accordance with U.S.S.G. § 3B1.2. 0 instead of offense level of 13, as presented in eline imprisonment range of 6 to 12 months.
Total Offense	Level:10	
Criminal Histo	ry Category:1	-
Imprisonment	Range: 6 to 12 month	S
Supervised Re	elease Range: 2 to 3 year	S .
Fine Range: \$	to \$ 1,728,284	· -
🗓 Fine	is waived or is below the guideli	ne range, because of the defendant's inability to pay.
Restitution: \$	101,761.00	
□ Full	restitution is not ordered for the f	ollowing reason(s):
xx The sentence reason to dep	is within the guideline range, tha part from the sentence called for b	t range does not exceed 24 months, and the court finds no by application of the guidelines.
	•	OR
	is within the guideline range, tha ing reason(s):	t range exceeds 24 months, and the sentence is imposed
		OR
The sentence de	parts from the guideline range	,
☐ upon motio	on of the government, as a result	of defendant's substantial assistance.
☐ for the folio	owing reason(s):	

United States District Court

THILLY.	y win	LL21		1211111	Court
	Northern	_ Distri	ct of _	Oklahoma	

41 1	HTEN	CTATEC	○ E	ANACDICA	
יוט		DIMIES	Or	AMERICA	

V.

JUDGMENT IN A CFINAL (For Offenses Committed On Or April

91-CR-163-001-B

			Case Number:
RY	R.	MENSER	

LARRY R. MENSER					GOLOGO.		
	(Name of Defendant)			Jeff Kearney			
THE DEFENDANT:			Def	endant's Attorney			
	count(%) One of the	ne Indictr	ment				
was found guilty plea of not guilty	on count(s)	-			after a		
Accordingly, the	e defendant is adjudged g	uilty of such	n count(s), which invo	lve the following	offenses:		
Title & Section	Nature of Offense			Date Offense Concluded	Count Number(X)		
18:1344, 371	Conspiracy to Con	nmit Bank	United States District Court Northern Basely of Philipped	્ર ૄે કેંડ્રે	0ne		
			I hereby costing that the is a true copy of the original in this Court.				
			Richard M. Lawrence, 1 By	Lierk ソ			
	s sentenced as provided in the Sentencing Reform A		hrough 4 of th	is judgment. The	sentence is		
and is discharged Count(s) Two, Th It is ordered that	as been found not guilty od as to such count(s). ree,Four,&Five of the the defendant shall pay a dictment	Indictme special ass	e(is)(are) dismissed of \$50	n the motion of th	e United States		
30 days of any chan	R ORDERED that the defe ge of name, residence, or ed by this judgment are fu	mailing ad					
Defendant's Soc. Sec.	No.: 442-54-0822	_					
Defendant's Date of B	irth: 08-26-51	_	January	12, 1993			
Defendant's Mailing A		• • •	1/	Imposition of Sent	ence		
10120 East 31st	Street		Signa	ture of Judicial Offi	cer		
Tulsa, Oklahoma	74146		Thomas R. Bret				
Defendant's Residence	e Address:			& Title of Judicial O			
4917 East 32nd	Street, #10			-14-9	<u> </u>		
Tulsa, Oklahoma		- _		Date			

Defendant: Case Number: MENSER, LARRY R.

91-CR-163-001-B

Judgment—Page 2 of 4

PROBATION

	The def	endant	is hereb	y placed	on prot	oation fo	r a terr	n of		(4) years			
Exe	cution	of se	ntence	shall l	e susp	ended	unt11	02-08-9	3 when	offender	shall	surrender	
to	the Sai	lvatio n proba	n A rmy ition the	CCC at	11:00 ant shall	a.m.	Said a	sentence	to rui	n concurre	ently y	yith sente 92-CR-106- shall not ille	nse 1
				, acionae	Onan	1101 0011	mint CI	ionioi i co	Joral, St	aic, or loca	i Citille,	SHOW HALF	yally:

possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

- The defendant shall serve first 6 months in community confinement; the first two months at the Salvation Army CCC with the defendant being allowed to engage in approved employment; the defendant is ordered to report to the probation office in the district which released within 24 hours of his release from the Salvation Army CCC. Remaining 4 months to be served in home confinement with electronic monitoring at the discretion of the probation office with the costs of electronic monitoring to the defendant.
- The defendant is to pay restitution as described on Page 3 of this Order.
- The defendant is to abide by the "Special Financial Conditions" of Probation as previously adopted by the Court.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

AC 245 S (Rev. 4/90) She	et 6 - Restitution and Fo	
Defendant: Case Number:	MENSER, LARRY R. 91-CR-163-001-B RESTITUTION	Judgment—Page 3 of 4
	RES	STITUTION
The defendant	t shall make restitution to the follow	wing persons in the following amounts:
Name of	Payee	Amount of Restitution
Division of P. O. Box 2	osit Insurance Corporation Liquidation 26208 Lty, OK 73126	\$482,887.00
_	cution to be paid jointly and in companion case 91-CR-162-	severally with D. B. "Tink" Wilkerson, 001-C
-	itution are to be made to: States Attorney for transfer to the sol.	payee(s).
Restitution shall I	pe paid:	
in full imme	ediately.	
☐ in full not la	ater than	
	onthly installments over a period of ent. Subsequent payments are due	months. The first payment is due on the date of monthly thereafter.
₩ in installme	ents according to the following sche	edule of payments:
at th	e direction of the U.S. Pro	bation Office.
Any payment sha	all be divided proportionately amon	g the payees named unless otherwise specified here.
	FOI	RFEITURE
☐ The defend	ant is ordered to forfeit the following	g property to the United States:
		_
		•
		· · · · · · · · · · · · · · · · · · ·

*U.S.GPO:1990-722-448/10286

AO 24 S (Rev. 4/90) Shee	t 7 - Statement of Renns	
Defendant: Case Number:	MENSER, LARRY R. 91-CR-163-001-B	Judgment—Page 4 of 4
	STATEMENT	OF REASONS
☐ The court adop	ots the factual findings and guideline	e application in the presentence report.
		OR .
between a minor and in the offense leve Said reduction resu	ts the factual findings and guideline it, if necessary): The Court made it minimal participant in the Gel for sentencing under the Guilted in offense level of 10	e application in the presentence report except a factual finding the defendant was somewhere offense and afforded him a three level reduction uidelines in accordance with U.S.S.G. \$ 3B1.2. instead of offense level of 13, as presented in the imprisonment range of 6 to 12 months.
	evel:10	•
Criminal History	Category:1	
Imprisonment R	ange: 6 to 12 months	
Supervised Rele	ease Range: 2 to 3 years	
	2,000 to \$ 1,728.284	
₩ Fine is	waived or is below the guideline ra	ange, because of the defendant's inability to pay.
Restitution: \$ _		pay.
☐ Full re	stitution is not ordered for the follow	/ing reason(s):
The sentence is reason to depart	within the guideline range, that range from the sentence called for by ap	ge does not exceed 24 months, and the court finds no plication of the guidelines.
	0	
☐ The sentence is for the following	within the guideline range, that rang reason(s):	ge exceeds 24 months, and the sentence is imposed
	,	
The sentence depar	Of ts from the guideline range	.
	of the government, as a result-of def	fendant's substantial conictors
☐ for the following		Sindante substantial assistance.
	~ \-\-\-\-\-\-\-\-\-\-\-\-\-\-\-\-\-\-\-	

,	D ON DOCKET
DATE	JAN 2 0 1998
irt 🐪	* .
Ster Jan	4 2
Constant N	
or Affer to	CA391; Combel 1, 1987)
.B	
	1011
s Attorney	
s Attorney	
	after a
e following of	ffenses:
Offense	Count Number(s)
la co	07.0

United States District Cou

	Northern	District of	Oklahoma	- AN VAN	, A
UNITED ST	TATES OF AMERICA V.		JDGMENT IN		CASE (cypbel 1, 1987)
Michael Se		Case No	umber: 92-CR-	-121-в	FOR CLOSE
(Nam	ne of Defendant)		Rob 1	Nigh ndant's Attorney	
THE DEFENDANT:				•	
☑ pleaded guilty to cou ☐ was found guilty on o plea of not guilty.	count(s)				aller a
Accordingly, the de	fendant is adjudged gui	lty of such count	(s), which involv		
Title & Section	Nature of Offense			Date Offense Concluded	Count <u>Number(s)</u>
18:1152, 13, & 2 21 O.S.A. § 1435	Second Degree Bure Country, Aiding an	nd Abetting	nifed States District Cor orthern District of Obir I hereby corrify that s a true copy of the ori	ggau i Vec lessestins	One
		!! Î	n this Court. Richard I. Lexit By Ueput		
mposed pursuant to the	ntenced as provided in Sentencing Reform Ad	ot of 1984.			
☐ Count(s) It is ordered that the	to such count(s). defendant shall pay a s	(is)(ar	re) dismissed or ent of \$50	the motion of th	ne United States. , for count(s)
One of the Ind	ictment	which shall be	due E immedia	tely 🗌 as follo	ws:
IT IS FURTHER OF 30 days of any change assessments imposed b	RDERED that the defenor of name, residence, or one of this judgment are full	mailing address	the United Stat until all fines, re	es attorney for the stitution, costs, a	nis district within and special
Defendant's Soc. Sec. No	.: 446-68-3561				
Defendant's Date of Birth:	05-27-70		_	y 12, 1993 Imposition of Sen	tence .
Defendant's Mailing Addre	ess:		Marie	es RXI	ett
711 W. Walnut			Signat	ture of Judicial Off	icer
Barnsdall, OK 7400	2		omas R. Bret	t, U. S. Dist	rict Judge
Defendant's Residence A	ddress:	· ·		Title of Judicial C	Officer
same		. -		<u>- 14-9</u>	72
	* *		The state of the s	Date	mas

40 243 0 (nst. 40)	
Defendant: Michael Sean Hailey Case Number: 92-CR-121-B	Judgment-Page 2 of 5
Case Number. 92-ck-121-b	IMPRISONMENT
The defendant is hereby committed to a term of24 months on Count One	the custody of the United States Bureau of Prisons to be imprisoned for of the Indictment
·	
☑ before \$2pont. on February 15. ☐ as notified by the United States marsh:	ates marshal for this district, al. entence at the institution designated by the Bureau of Prisons, 1993 @ 11:00 a.m.
as notified by the probation office.	
	RETURN
I have executed this judgment as fol	llows:
	toa
Detendant delivered on	
	with a certified copy of this judgment
	United States Marshal
	Ву
	Deputy Marshal

AO 245 S (Rev. 4/90) Sheet 3 -	Supervised Release
--------------------------------	--------------------

Defendant: Michael Sean Hailey

Case Number: 92-cr-121-B

Judgment—Page 3 of 5

SUPERVISED RELEASE

U	oon rele	ase	e from in	mpris	onm	ient, f	the defendant shall be on supervised release for a term of	_
-,						•	•	
3	years	on	Count	One	of	the	Indictment	

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.
- (1) The defendant shall make restitution in the amount of \$1,281 to the Strike Ax Smoke Shop with payments to begin immediately. Any balance remaining to be paid on supervised release as directed by the U. S. Probation Office.
- (2) The defendant shall participate in a program of testing for drug usage as directed by the U.S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within
 the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons:
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

AO 245 S (Rev. 4/90) Sheet 6 - Restitution and Forfe	
Defendant: Michael Sean Hailey	Judgment-Page 4 of 5
Case Number: 92-CR-121-B	RESTITUTION AND FORFEITURE
	RESTITUTION
	tion to the following persons in the following amounts:
Name of Payee	Amount of Restitution
Strike Ax Smoke Shop Hwy 123	\$1,281
Pawhuska, Oklahoma	
	· · · ·
Payments of restitution are to be ma	
the United States Attorney for	transfer to the payee(s).
☐ the payee(s).	
Restitution shall be paid:	
in full immediately	
in full not later than	
 in equal monthly installments this judgment. Subsequent pa 	over a period of months. The first payment is due on the date of ayments are due monthly thereafter.
not paid immediately, the am	ne following schedule of payments: to begin immediately. If mount shall be paid during the period of incarceration, to be paid on supervised release as directed by the U.S.
Any payment shall be divided propo	ortionately among the payees named unless otherwise specified here.
•	
	FORFEITURE
☐ The defendant is ordered to fo	orfeit the following property to the United States:
	•

AO*245 S (Rev. 4/90) Sheet 7 - Statement of Reasons	
Defendant: Michael Sean Hailey Case Number: 92-CR-121-B	Judgment-Page 5 of 5
	STATEMENT OF REASONS
The court adopts the factual findings	and guideline application in the presentence report.
	OR
The court adopts the factual findings (see attachment, if necessary):	s and guideline application in the presentence report except
Guideline Range Determined by the	Court:
Total Offense Level: 11	·
Criminal History Category:v	
Imprisonment Range: _24 to	30 months
Supervised Release Range:2_ to	3_ years
Fine Range: \$ to \$	1,000
▼ Fine is waived or is below	the guideline range, because of the defendant's inability to pay.
Restitution: \$ _1,281	
☐ Full restitution is not order	red for the following reason(s):
۶	
The sentence is within the guideline reason to depart from the sentence	e range, that range does not exceed 24 months, and the court finds no called for by application of the guidelines.
	OR
☐ The sentence is within the guideline for the following reason(s):	e range, that range exceeds 24 months, and the sentence is imposed
	OR
The sentence departs from the guidelin	ne range
☐ upon motion of the government,	as a result of defendant's substantial assistance.
☐ for the following reason(s):	

United States District Court

JAN 2 0 1993

NORTHERN District of OKLAHOMA Richard M. Lawrence, Clerk U. S. DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA

JUDGMENT IN A CRIMINAL CASE UNITED STATES OF AMERICA (For Offenses Committed On or After November 1, 1987) V. Case Number: 92-CR-083-001-B JEFF JAKE HARGRAVES (Name of Defendant) Cheryl Ramsey **Defendant's Attorney** THE DEFENDANT: ☑ pleaded guilty to count(s) One of the Information after a was found guilty on count(s) _ plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses: Date Offense Number(s) Concluded Title & Section Nature of Offense 18 USC 1956(a)(1)(A)(i) Money Laundering 01-03-91 One United States District Court Korthern District of GM disma 3 I hereby certify that the foregoing is a tree copy of the original on the in this Court. Richard M. Lawrence, Clerk downs Deputy The defendant is sentenced as provided in pages 2 through $\frac{5}{2}$ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) ______ and is discharged as to such count(s). X The Original Indictment _ (is)(XXX) dismissed on the motion of the United States. It is ordered that the defendant shall pay a special assessment of \$ 50.00 One of the Information , which shall be due K immediately as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. Defendant's Soc. Sec. No.: 447-48-1723 Defendant's Date of Birth: __02-04-50 January 14, 1993 Date of Imposition of Septence Defendant's Mailing Address:

1500 South 9th Ponca City, Oklahoma 74601

Defendant's Residence Address:

Signature of Judicial Officer

Thomas R. Brett, U.S. District Judge

Name & Title of Judicial Officer

Same

AO 245 S (Rev. 4/90) Sheet 2 - Imprisonment	
Defendant: HARGRAVES, Jeff Jake Case Number: 92-CR-083-001-B	Judgment—Page 2 of 5
IMPRISONME	NT CONTRACTOR OF THE CONTRACTO
The defendant is hereby committed to the custody of the Usa term of 51 months	Inited States Bureau of Prisons to be imprisoned for
a term of	
The court makes the following recommendations to the Bu	reau of Prisons:
The Court recommends that the inmate make fine while incarcerated, through the Inmate Financia	
The defendant is remanded to the custody of the United States marshal The defendant shall surrender to the United States marshal for this disti	rict,
a.m at	
as notified by the United States marshal.	tanimated by the Rysey of Princes
☐ The defendant shall surrender for service of sentence at the institution of before 2 p.m. on	esignated by the Bureau of Prisons,
 as notified by the United States marshal. as notified by the probation office. 	•
DETUDN	
RETURN	
I have executed this judgment as follows:	
	•
Defendant delivered ontoto	at
	, with a certified copy of this judgment.
· · · · · · · · · · · · · · · · · · ·	United States Marshal
.: D.	
Ву	

Deputy Marshal

AO 245	S	(Rev.	4/90)	Sheet	3 -	Supervised	Release

Defendant: HARGRAVES, Jeff Jake Case Number: 92-CR-083-001-B

Judgment—Page <u>3 </u>	of	5
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SUPERVISED RELEASE

Upon release from imprisonmer	t, the defendant shall be on supervised release for a term of
three (3) years	

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

You shall provide the U.S. Probation Office with access to any requested financial information, and shall provide copies of all yearly tax returns and related documents.

You shall not engage in any gambling operations, and not associate with any persons engaged in such operations.

You shall participate in drug screening at the discretion of the U.S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Orfondant: Hangmanng Toda Tolica	Judgment—Page 4 of 5
Defendant: HARGRAVES, Jeff Jake Dase Number: 92-CR-083-001-B	oudgment—r age or

The defendant shall pay a fine of \$ ______. The fine includes any costs of incarceration and/ or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

The court has determined that the defendant does not have the ability to pay interest. It is ordered that:

The interest requirement is waived.

The interest requirement is modified as follows:

This fine plus any interest required shall be paid:

in full immediately.

in full not later than ______ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.

In installments according to the following schedule of payments:

Balance of fine is to be paid as directed by the U.S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: HARGRAVES, Jeff Jake Case Number: 92-CR-083-001-B	Judgment—Page5of5
STATEMEN	IT OF REASONS
The court adopts the factual findings and guideli	ne application in the presentence report.
	OR
☐ The court adopts the factual findings and guideling (see attachment, if necessary):	ne application in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level: 24	
Criminal History Category:I	
Imprisonment Range: 51 to 63 months	
Supervised Release Range: 2 to 3 years	
Fine Range: \$ 10,000 to \$ 500,000	
☒ Fine is waived or is below the guideline	range, because of the defendant's inability to pay.
Restitution: \$	
☐ Full restitution is not ordered for the fol	lowing reason(s):
The sentence is within the guideline range, that reason to depart from the sentence called for by	ange does not exceed 24 months, and the court finds no application of the guidelines.
	OR ·
The sentence is within the guideline range, that r for the following reason(s):	ange exceeds 24 months, and the sentence is imposed
	OR .
The sentence departs from the guideline range	
$\hfill \square$ upon motion of the government, as a result of	defendant's substantial assistance.
☐ for the following reason(s):	

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reason

9889 W. Outer Drive

Detroit, Michigan

FILE

United States District Court

JAH 2 0 1993

Richard M. Lawrence, CI U. S. DISTRICT COUF. NORTHERN DISTRICT OF OKLAHO: NORTHERN OKLAHOMA District of UNITED STATES OF AMERICA JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987) V. Case Number: 92-CR-054-007-E OLIN TRISTRAM FLOWERS (Name of Defendant) Mark D. Lyons Defendant's Attorney THE DEFENDANT: I pleaded guilty to count(s) One (I) of the Indictment after a was found quilty on count(s) ___ plea of not guilty. Accordingly, the defendant is adjudged quilty of such count(s), which involve the following offenses: Date Offense Count Number(s) Title & Section Nature of Offense Concluded 21:846, 841(a)(1), (b)(1)(B) Conspiracy To Possess 06-04-92 One (I) With Intent to Distribute And to Distribute Cocaine The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) ____ and is discharged as to such count(s). □ Count(s) _ (is)(are) dismissed on the motion of the United States. It is ordered that the defendant shall pay a special assessment of \$ __50_. One (I) of the Indictment, which shall be due 🖫 immediately 🗌 as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. Defendant's Soc. Sec. No.: __379-98-7780 Defendant's Date of Birth: 07-19-70 <u>January 14, 1993</u> Date of Imposition of Sentence Defendant's Mailing Address: 9889 W. Outer Drive Detroit, Michigan 48223 James O. Ellison, Chief U.S. District Judge Name & Title of Judicial Officer Defendant's Residence Address: January 14, 1993

Date

Defendant: OLIN TRISTRAM FLOWERS
Case Number: 92-CR-054-007-E

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of __Four (4) years

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant must perform 500 hours of community service in a field related to the harms of crack cocaine usage.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Officer.

Defendant: OLIN TRISTRAM FLOWERS Case Number: 92-CR-054-007-E	Judgment—Page 3 of 4
FINE	
The defendant shall pay a fine of \$ Thor supervision.	ne fine includes any costs of incarceration and/
This amount is the total of the fines imposed on individual	counts, as follows:
Count One (I) of the Indictment	
☐ The court has determined that the defendant does not hav ☐ The interest requirement is waived. ☐ The interest requirement is modified as follows: This fine plus any interest required shall be paid: ☐ in full immediately.	re the ability to pay interest. It is ordered that:
 in full not later than	nonthly thereafter

AO 245 S (Rev. 4/90) Sheet 5 - Fine

During the term of probation as directed by the U. S. Probation Office

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: OLIN TRISTRAM FLOWERS Case Number: 92-CR-054-007-E	Judgment-Pag	ə <u>4</u>	_ o <u>f</u>	4
STATEMENT OF REASONS				
The court adopts the factual findings and guideline application in the	e presentence re	port.		
OR				
☐ The court adopts the factual findings and guideline application in the (see attachment, if necessary):	ie presentence re	port exce	ept	
Guideline Range Determined by the Court:				
Total Offense Level:				
Criminal History Category:				
Imprisonment Range: 37 to 46 months				
Supervised Release Range: _4_ to _5_ years	V			
Fine Range: \$ 7,500 to \$ 2,000,000				
🗵 Fine is waived or is below the guideline range, because of	of the defendant's	inability t	o pay.	
Restitution: \$N/A				
☐ Full restitution is not ordered for the following reason(s):				
☐ The sentence is within the guideline range, that range does not excreason to depart from the sentence called for by application of the	ceed 24 months, a	and the c	ourt fin	ıds no
OR				
☐ The sentence is within the guideline range, that range exceeds 24 for the following reason(s):	months, and the	sentence	is impo	osed
OR				
The sentence departs from the guideline range				
upon motion of the government, as a result of defendant's subst	antial assistance.			
☐ for the following reason(s):				

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reasons

United States District Court Jan 20 19

NORTHERN

__ District of ____

OKLAHOMA

HIGHER M. Lawrence, Clerk U.S. DISTRICT COURT HURTHER MITHET OF OKLAHOMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

	V.	(For Offenses Co	mmitted On or After No	ovember 1, 1987)
ALVIN	MANSKER	Case Number:	92-CR-047-006-B	
	(Name of Defendant)	Stanley	D. Monroe	
			Defendant's Attorney	
THE DEFENDANT:			•	
	count(s) <u>Count One (I</u> on count(s)) of the Indictment		after a
Accordingly, the	e defendant is adjudged gu	ilty of such count(s), whic	ch involve the following	offenses:
Title & Section	Nature of Offense		Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), 841(b)(1)(A)(ii		Manufacture, Possess Distribute Over 50 G	I hereby confis is a true cupy of t in this Court. Kichard II.	ira Court I dhickema I dhick
	is sentenced as provided in the Sentencing Reform A		$_$ of this judgment. The	sentence is
and is discharge Count(s) It is ordered that One (I) of t IT IS FURTHER 30 days of any char	as been found not guilty one das to such count(s). the defendant shall pay a she Indictment. R ORDERED that the defende of name, residence, or seed by this judgment are fulled.	(is)(are) dismissipecial assessment of \$ _, which shall be due 🔀 in adant shall notify the Uniternaling address until all fi	ssed on the motion of th 50 nmediately □ as follo ed States attorney for the	ne United States, for count(s) ws: nis district within
Defendant's Soc. Sec	:. No.: <u>448–58–2365</u>			
Defendant's Date of E	Birth: 07-17-57		ry 15, 1993	
Defendant's Mailing A	address:	Sh	Date of Imposition of Sent	ence
1547 East 52nd	Street North	-	Signature of Judicial Off	icer
Tulsa, Oklahom	a 74126	Thomas B	Brott II & Dietri	at Judas
Defendant's Besidens	oo Addroos		Brett, U.S. Distric Name & Title of Judicial C	
Defendant's Residence	e Address.	Q	av. 20 19	93
Samo ao ahorr	•	/}	voi au, i 7	10

Date

AO 245 S (Rev. 4/90) Sheet 2 - Imprisonment	
Defendant: Alvin Mansker Case Number: 92-CR-047-006-B	Judgment—Page 2 of 4
The defendant is hereby committe a term of	ed to the custody of the United States Bureau of Prisons to be imprisoned for
a terror	
☐ The court makes the following reco	ommendations to the Bureau of Prisons:
The defendant is remanded to the custody of The defendant shall surrounder to the United	of the United States marshal.
The defendant shall surrender to the United	
atp.m. on as notified by the United States man The defendant shall surrender for service of	rshal. If sentence at the institution designated by the Bureau of Prisons,
before 2 p.m. on as notified by the United States man	manage constants of the state o
as notified by the probation office.	
	RETURN
I have executed this judgment as	follows:
Defendant delivered on	to a
	, with a certified copy of this judgment
•	
	United States Marshal
	Control Ciatos Marsha

Deputy Marshal

Defendant: Case Number:

Alvin Mansker 92-CR-047-006-B

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defende	ant shall be on supervised release for a term of
Five (5) years	

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

That the defendant successfully participate in a program approved by the U. S. Probation Office for the treatment of substance abuse.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities:
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification
- The defendant shall submit to urinalysis testing as directed by the U. S. Probation Officer.

AO 245 S-(Rev. 4/90) Sheet 7 - Statement of Reasons		
Defendant: Alvin Mansker Case Number: 92-CR-047-006-B	Judgment-Page_	4 of4
STATEMENT OF REASO	ons	
The court adopts the factual findings and guideline application	in the presentence repor	r 1 .
OR		
☐ The court adopts the factual findings and guideline application (see attachment, if necessary):	in the presentence repor	rt except
Guideline Range Determined by the Court:		
Total Offense Level:32		
Criminal History Category:I		
Imprisonment Range: 121 to 151 months		
Supervised Release Range: 3 to 5 years	·	
Fine Range: \$ _17,500 to \$ 4,000,000		
☑ Fine is waived or is below the guideline range, because	use of the defendant's ina	ability to pay.
Restitution: \$ N/A		
☐ Full restitution is not ordered for the following reason	n(s): N/A	
☐ The sentence is within the guideline range, that range does no reason to depart from the sentence called for by application or		d the court finds no
OR		
The sentence is within the guideline range, that range exceed for the following reason(s):	ls 24 months, and the ser	ntence is imposed
The minimum of the guideline range adequately a of the offense and the defendant's involvement		ısness
OR		
The sentence departs from the guideline range		
upon motion of the government, as a result of defendant's	substantial assistance.	
☐ for the following reason(s):		

	JAN	2	n	1003
AIL				

United	States	District	Court
****	> +4.4 +4.A1	**************************************	CANAL A

NORTHERN

DISTRICT OF

OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMIN

BERT GRAYE 10013 Walnut Drive, #104 Kansas City, Missouri 64114

Case Number:

85-CR-101-001-B

(Name and Address of Defendant)

Paul Brunton (Retained)

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

[☑ guilty ☐ nolo contendere] as to count(४) On ☐ not guilty as to count(s)	e of the Ir	ndictment	, and
THERE WAS A: [finding verdict] of guilty as to count(s)		United States District Court SS Northern District of Oxiohema SS Liesely certify that the ferogeing is a true copy of the original on file	***************************************
THERE WAS A:		in this Corri. Richerd M. Lawrence, Clerk	
[finding verdict] of not guilty as to count(s) indoment of acquittal as to count(s)		By J. Adams Usputy	

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

False Statements on Loan Application; Title 18, United States Code, Section 1014

IT IS THE JUDGMENT OF THIS COURT THAT:

The imposition of sentence is suspended and the defendant is placed on probation for four (4) years. As a special condition, the defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Court Order Number 128. In addition, the defendant shall pay a fine in the amount of \$5,000 in regular monthly installment payments, as directed by the United States Probation Office. A Special Monetary Assessment is not applicable in this case.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- associate only with law-abiding persons and maintain reasonable hours;
- work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify (3) your probation officer at once, and consult him prior to job changes);
- not leave the judicial district without permission of the probation officer;
- notify your probation officer immediately of any changes in your place of residence;
- follow the probation officer's instructions and report as directed.

or within the maximum probation period of 5 years permitted by during the probation period.	law, may issue a warrar	it and revoke proba	ition for a violation occurring
IT IS FURTHER ORDERED that the defendant shall pay		ssment of \$	
pursuant to Title 18, U.S.C. Section 3013 for count(s)	N/A		as follows:
•		•	
IT IS FURTHER ORDERED THAT countson the motion of the United States.	N/A		are DISMISSED
IT IS FURTHER ORDERED that the defendant shall paimposed as a fine, restitution or special assessment amount imposed as a cost of prosecution. Until all paid, the defendant shall immediately notify the Unit and address.	nt. The defendant s fines, restitution, sp	hall pay to the pecial assessme	clerk of the court any ents and costs are fully
IT IS FURTHER ORDERED that the clerk of the counstates marshal of this district.	urt deliver a certifie	d copy of this	judgment to the United
☐ The Court orders commitment to the custody of t	he Attorney Genera	and recommer	ds:
January 13, 1993			
Date of Imposition of Sentence			
Signature of Judicial Officer			
Thomas R. Brett, United States District	Judge 		
Name and Title of Judicial Officer			
1-18,43	Sector		
Date		•	1
R	ETURN		
I have executed this Judgment as follows:			
Defendant delivered on to to			at
Date			
General, with a certified copy of this Judgment in a Cr		e institution de	signated by the Attorney
General, with a certified copy of this Judgment in a Cr	immai Case.		
	United State	s Marshal	

By.

Deputy Marshal

United States District Court

District of _

JAN 1 9 1993

Richard M. Lawrence, Clerk U. S. DISTRICT COURT 1:0RTHERN DISTRICT OF OKLAHOMA JUDGMENT IN A CRIMINAL CASE UNITED STATES OF AMERICA (For Offenses Committed On or After November 1, 1987) V. 92-CR-108-001-E Case Number: Carole Susan Coleman Riley Jack Gordon (Retained) (Name of Defendant) Defendant's Attorney Z.31 THE DEFENDANT: pleaded guilty to count(s) One of the Information □ was found guilty on count(s) — plea of not quilty. Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses: Date Offense Number(s) Concluded Nature of Offense Title & Section 12-7-90 One False, Fictitious, or Fraudulent Claims 18:287 The defendant is sentenced as provided in pages 2 through ____5__ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) and is discharged as to such count(s). _ (is)(are) dismissed on the motion of the United States. ☐ Count(s) _ It is ordered that the defendant shall pay a special assessment of \$ 50 One of the Information , which shall be duex immediately as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. Defendant's Soc. Sec. No.: 520-76-8189 January 12, 1993 Defendant's Date of Birth: 12-21-58 Date of Imposition of Sentence Defendant's Mailing Address: P. O. Box 192 Claremore, Oklahoma 74018 James O. Ellison, Chief U. S. District Judge United States Piolaint Count 1 Name & Title of Judicial Officer Defendant's Residence Address: Northern District Address) Thereby carries that The foregoing Is a tree cupy of the original on file Same mas

Defendant: Carole Susan Coleman Riley

Case Number: 92-CR-108-001-E

Judgment—Page __2 __ of __5

PROBATION

The defendant is hereby placed on probation for a term of 2 years on Count One of the Information.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

AO	245	(Rev.	4/90)	Sheet	5	-	Fine	
----	-----	-------	-------	-------	---	---	------	--

Case Number: 92-CR-108-001-E	Judgment—Page or
FINI	Ξ
The defendant shall pay a fine of \$	The fine includes any costs of incarceration and
This amount is the total of the fines imposed on ind	ividual counts, as follows:
on Count One of the Information, to begin payment.	upon completion of the restitution
☐ The court has determined that the defendant does	not have the ability to pay interest. It is ordered that:
☐ The interest requirement is waived.☐ The interest requirement is modified as follows:	
This fine plus any interest required shall be paid: ☐ in full immediately. ☐ in full not later than ☐ in equal monthly installments over a period of ☐ date of this judgment. Subsequent payments are in installments according to the following schedule.	months. The first payment is due on the edue monthly thereafter.
as directed by the probation office.	

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

•	
AQ 245 (Rev. 4/90) Sheet 6 - Restitution andture	
Defendant: Carole Susan Coleman Ri Case Number: 92-CR-108-001-E	ley Judgment-Page 4 of 5
RES	TITUTION AND FORFEITURE
•	RESTITUTION
The defendant shall make restitution to	the following persons in the following amounts:
Name of Payee	Amount of Restitution
Bureau of Land Management c/o District Manager 9522-H East 47th Place Tulsa, Oklahoma 74145	\$4,384.60
Payments of restitution are to be made to: ☑ the United States Attorney for transf	
☐ the payee(s).	
Restitution shall be paid:	
 □ in full immediately □ in full not later than □ in equal monthly installments over a this judgment. Subsequent payment 	a period of months. The first payment is due on the date of ts are due monthly thereafter.
in installments according to the followard as directed by the U.S. Prob	
Any payment shall be divided proportiona	itely among the payees named unless otherwise specified here.
	FORFEITURE
☐ The defendant is ordered to forfeit the	he following property to the United States:

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Rea		
Defendant: Carole Susan Coleman Case Number: 92-CR-108-001-E	n Riley	Judgment—Page5 of5
	STATEMENT O	F REASONS
The court adopts the factual finding	igs and guideline a	pplication in the presentence report.
	OF	·
☐ The court adopts the factual finding (see attachment, if necessary):	igs and guideline a	pplication in the presentence report except
Guideline Range Determined by th	e Court:	
Total Offense Level:7		
Criminal History Category:I		
Imprisonment Range: _0 to _	6 months	
Supervised Release Range:2	to3_ years	
Fine Range: \$ _500 to \$	5,000	
☐ Fine is waived or is belo	w the guideline rar	nge, because of the defendant's inability to pay.
Restitution: \$ 4,384.60		
☐ Full restitution is not ord	dered for the followi	ing reason(s):
The sentence is within the guideli reason to depart from the sentence		ge does not exceed 24 months, and the court finds no olication of the guidelines.
	OI	R
☐ The sentence is within the guidelifor the following reason(s):	ne range, that rang	ge exceeds 24 months, and the sentence is imposed
	0	R
The sentence departs from the guide	-	
☐ upon motion of the governmen	nt, as a result of de	fendant's substantial assistance.
☐ for the following reason(s):		

ENTERED ON DOCKET

		D	ATE	=	-13	- 9	<u>}_</u>
		ICT COURT FOR THE	E		F	X	LE
UNITED STATES OF AMERICA,)					MAL	1 8 100
Plaintiff,)))			7	iciero (M. Lawi DISTR	ence, Cour ICI COUR
♥.)	No. 92-CR-57-02-C	/				
JO ANNE ROWE BLACKBURN,)		F	I	L	E	D
Defendant.)			JAI	N 1 5	1993	m

DISMISSAL OF COUNTS (With Leave of Court)

Richard M. Lawrence, Clerk U. S. DISTRICT COURT NORTHERN DISTRICT OF OKIAHOMA

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses Counts 5, 7, 13, 18, 19, 49, 67, 68, 69, 93, 94, 119, 120, 128, 129, 130 and 136 of the Indictment filed June 4, 1992, against Jo Anne Rowe Blackburn, defendant.

Dated as of December 16, 1992.

TONY M/GAHAM United States Attorney

GORDON B. CECIL

Assistant United States Attorney

With the consent of the defendant, Jo Anne Rowe Blackburn, leave of court is granted for the filing of the foregoing Dismissal of Counts.

H. DALÉ COOK

United States District Judge

Date:

GBC:ssg

ENTERED ON DOCKET

	DISTRICT COURT FOR THE PLEED
UNITED STATES OF AMERICA,) Florent M. Laure
Plaintiff,	U.S. DISTRICT COURT
v.) No. 92-CR-57-03-C
CATHERINE ANN JOHNSON,	
Defendant.	$\mathbf{F} \mathbf{I} \mathbf{L} \mathbf{E} \mathbf{D}$

DISMISSAL OF COUNTS(With Leave of Court)

Richard M. Lawrence, Clerk U. S. DISTRICT COURT NORTHERN DISTRICT OF OXIAHOMA

JAN 1 5 1993

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses Counts 5, 7, 10, 11, 13, 18, 19, 23, 24, 25, 26, 28, 29, 31, 39, 43, 46, 49, 55, 63, 65, 67, 68, 69, 74, 93, 94, 95, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125, 128, 129, 130, 133, 134, 135, and 136 of the Indictment filed June 4, 1992, against Catherine Ann Johnson, defendant.

Dated as of December 16, 1992.

TONY M. GRAHAM United States Attorney

GORDON B. CECIL

Assistant United States Attorney

With the consent of the defendant, Catherine Ann Johnson, leave of court is granted for the filing of the foregoing Dismissal of Counts.

H. DALE COOK

United States District Judge

Date:

GBC:ssg

United States District

Oklahoma DISTRICT OF _____ Northern

UNITED STATES OF AMERICA

JUDGMENT OF ACQUITTAL

٧.

Catherine Ann Johnson

CASE NUMBER: 92-CR-057-003-C

The Defendant was found not guilty. IT IS ORDERED that the Defendant is acquitted, discharged, and any bond exonerated.

FILED

JAN 1 3 1993

Richard M. Lawrence, Clerk U. S. DISTRICT COURT NCRIKERN DISTRICT OF OKLAHOMA

Signature of Judicial Officer

H. Dale Cook, U. S. District Judge

Name and Title of Judicial Officer

January 11, 1993

Date

United States District Court Morthern District of Oklohomo I hereby certify that the foregoing is a true copy of the original on file in this Court.

Richard M. Lewronce, Clerk

United States District Court

·	NORTHERN	istrict of _	OKLAI	HOMA				
UNITED STAT	ES OF AMERICA V.			ENT IN A CRIMIN				87)
KELLY LAIN		Case N	lumber:	92-CR-122-001-C	\mathbf{F}	I	L	E
(Name o	of Defendant)	R.	Thomas	Seymour		JAN	L1 3	1993
				Defendant's Attorney	1			rence,
THE DEFENDANT:					11	S DI	STRIC	CT COL
pleaded guilty to count(was found guilty on couplea of not guilty.	int(s)	<u> </u>					_ u	era
Accordingly, the defer	ndant is adjudged guilty o	f such cour	nt(s), wh	ich involve the followi	ng off	enses	s:	
				Date Offense Concluded		C	ount nber(s)	i
Title & Section N	ature of Offense			Concluded		INGI	iber(3)	-
	application of Funds ancial Institution	from a		3 30–92		0	ne	
	efendant shall pay a spection, who be seen that the defendant name, residence, or mail	ial assessnich shall be t shall notif ling addres	are) disnent of \$ due 😨	nissed on the motion of 50.00 as finited States attorney f	of the follow	Unite , fo s: s distr	ed Sta r cou	ates. nt(x)
Defendant's Soc. Sec. No.:	448-66-0983							
Defendant's Date of Birth:	9-28-60		Januar	y 11, 1993			·	
Defendant's Mailing Address		·	%	Date of Imposition of	Sente	nge	AK	(j)
104 Hidden Creek Ci	rcle United States District	Court 1 as		Signature of Judicia	l Offic	er	<i>\(\)</i>	
Knoxville, TN 37922	Nuthern District of O	kiahoma)	H. Dale	Cook, U.S. Distr			<u> </u>	
Defendant's Residence Add	! hereby certify to ress: is a true copy of the in this Court.	nat the totagoin e original on fik	y	Name & Title of Judio	ial Off	ficer		
Same		Lowrence, Clari	<u> </u>					
Danic	By R	miller		Date				
		Deputy						

AO 245 S (Rev. 4/90) Sheet 5 - Fine		
Defendant: WOODEN, Kelly Laine Case Number: 92-CR-122-001-C		Judgment-Page 2 of 3
	FIN	E
The defendant shall pay a fine of \$ or supervision.	750.00	
☐ This amount is the total of the fines in	imposed on inc	dividual counts, as follows:
∑ The court has determined that the determined the determined that the determined	efendant does	not have the ability to pay interest. It is ordered that
☑ The interest requirement is waive ☐ The interest requirement is modified.		
This fine plus any interest required s in full immediately. in full not later than	•	
		months. The first payment is due on the

Fine is to be paid within 90 days of sentencing.

in installments according to the following schedule of payments:

date of this judgment. Subsequent payments are due monthly thereafter.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

AO 245 6 (Rev. 4/90) Sheet 7 - Statement of Reasc	
Defendant: WOODEN, Kelly Laine Case Number: 92-CR-122-001-C	Judgment—Page 3 of 3
STATEMENT	OF REASONS
X The court adopts the factual findings and guideline	application in the presentence report.
	DR .
☐ The court adopts the factual findings and guideline (see attachment, if necessary):	application in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level:3	
Criminal History Category:I	
Imprisonment Range: 0 to 6 months	
Supervised Release Range: 3 to 5 years	
Fine Range: \$ 100 to \$ 1,000,000	
☐ Fine is waived or is below the guideline r	ange, because of the defendant's inability to pay.
Restitution: \$	
☐ Full restitution is not ordered for the follow	wing reason(s):
The sentence is within the guideline range, that range reason to depart from the sentence called for by a	nge does not exceed 24 months, and the court finds no pplication of the guidelines.
	OR .
☐ The sentence is within the guideline range, that ranger the following reason(s):	nge exceeds 24 months, and the sentence is imposed
	OR
The sentence departs from the guideline range	lafandant's aubstantial assistance
upon motion of the government, as a result of o	ieiendants substantial assistance.
☐ for the following reason(s):	

United States District Court

Northern	_ DISTRICT OF	0klahoma
	_ 0.011101 01	

UNITED STATES OF AMERICA

JUDGMENT OF ACQUITTAL

٧.

Jo Anne Rowe Blackburn

CASE NUMBER:

92-CR-057-002-C

The Defendant was found not guilty. IT IS ORDERED that the Defendant is acquitted, discharged, and any bond exonerated.

FILED

JAN 1 3 1993

Richard M. Lawrence, Clerk U. S. DISTRICT COURT HOMMERN DISTRICT OF OXIAHOMA

Signature of Judicial Officer

H. Dale Cook, U. S. District Judge

Name and Title of Judicial Officer

January 11, 1993

Date

United States District Court)
Northern District of Oklahoma)

I hereby certify that the foregoing is a true copy of the original on file in this Court.

Richard M. Lawrence, Clerk

Deputy

LAHOMA

United States District Court DATE 1-14-93

Northern

District of __

Oklahoma

			The same of the sa	· · · · · · · · · · · · · · · · · · ·
UNITED STATES OF AMERICA V.			ENT IN A CRIMINA ommitted On or After No	ovembe <u>r</u> 1, 19 <u>87</u>)
Wilkie B	ill Burtrum	Case Number:	92-CR-098-001-C	
(Na	me of Defendant)		Rob Nigh	JAN 1 4 199
THE DEFENDANT:			Defendant's AttorneyRic ໄ ເ	chard M. Lawrence J. S. DISTRICT CO ORIHERN DISTRICT OF OI
was found guilty on plea of not guilty.	unt(s) count(s) _One, Two, Three	and Four of the	e Superseding Indic	tment after
Accordingly, the de	efendant is adjudged guilty of s	such count(s), whic	Date Offense Concluded	Offenses: Count Number(s)
18:1151, 1153, & 2241(c)	Aggravated Sexual Abuse Committed Within Indian		11/10/91 9/1/90	One Three
18:1151, 1153, & 2244(a)(1)	Aggravated Sexual Abuse Committed Within India		11/9/91 12/24/89	Two Four
	entenced as provided in pages e Sentencing Reform Act of 19		_ of this judgment. The	sentence is
and is discharged as **Sount(s) The Orig It is ordered that the One, Two, Three Superseding Indi IT IS FURTHER O	inal Indictment defendant shall pay a special and Four of the , which	(is)(ane) disminud assessment of \$ _n shall be due a in shall notify the Unit	ssed on the motion of the 200 (Total) mmediately \(\Boxed{\text{long}} \) as foliced States attorney for the second control of the	, for count(s ows: his district withir

30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 488-66-5629

Defendant's Date of Birth: 11-6-59

Defendant's Mailing Address:

Rt. 1, Box 476

Quapaw, Oklahoma

Vidad Cartes Elshirt (with home)

Name & Title of Judicial Officer

Name & Title of Judicial Officer

Name & Title of Judicial Officer

Defendant's Residence Address: I nefetly tentify that the k

Same

is a true copy of the original on file in this Court.

Richard M. Lowrence, Clark

Date

Defendant: Wilkie Bill Burtrum		Judgment-Page 2 of	5
Case Number: 92-CR-098-001-C		oddgment 1 age or	
	IMPRISONME	NT	
The defendant is hereby committe	d to the custody of the U	nited States Bureau of Prisons to be imprison	ed for
a term of <u>Count 1 - 170 months</u>	5		
Count 3 - 170 months Count 2 - 120 months		ncurrently to Count 1	
Count 4 - 120 months			
Counts 2 and 4 to ru		ounts 1 & 3.	
	-		
☐ The court makes the following reco	mmendations to the Ru	eau of Prisons:	
The count makes the following reco	minerialions to the pu	cau of Frisons.	
•			
IVI The defendant is remainded to the sustantice	af the I luite of Chates are unless.	•	
 The defendant is remanded to the custody one The defendant shall surrender to the United 	or the United States marshal. States marshal for this distri	et.	
a.m.			
☐ at p.m. on			
 as notified by the United States mar The defendant shall surrender for service of 		esignated by the Bureau of Prisons.	
□ before 2 p.m. on		g,,	
as notified by the United States maras notified by the probation office.	shal.		
as notified by the probation office.			
	RETURN		
I have executed this judgment as	follows:		
Defendant delivered on	to		at
		, with a certified copy of this judg	nent.
	•		
		11 10 10 11 11	
		United States Marshal	
	D.		

Deputy Marshal

Defendant: Wilkie Bill Burtrum
Case Number: 92-CR-098-001-C

Judgment—Page 3 of 5-

SUPERVISED RELEASE

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.
- (1) The defendant shall participate in a program of mental health treatment and alcohol treatment, as directed by the probation office.
- (2) The defendant shall be prohibited from any unsupervised visits or contact with any minor children. This condition is subject to review by the Court given the lengthy period of incarceration in this case.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing at the direction of the U. S. Probation Office.

AO 245 S (Rev. 4/90) Sheet 5 - Fine	<u> </u>
Defendant: Wilkie Bill Burtrum Case Number: 92-CR-098-001-C	Judgment-Page 4 of 5
Fil	NE
The defendant shall pay a fine of \$500 or supervision.	The fine includes any costs of incarceration and/
x This amount is the total of the fines imposed on in	idividual counts, as follows:
Count One	
☐ The court has determined that the defendant does	s not have the ability to pay interest. It is ordered that:
☐ The interest requirement is waived.☐ The interest requirement is modified as follows	· :
This fine plus any interest required shall be paid:	

If not paid during his incarceration, the defendant shall pay the balance during his period of supervised release as directed by the probation office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

	
Defendant: Wilkie Bill Burtrum Case Number: 92-CR-098-001-C	Judgment—Page5 of5:
STATEME	NT OF REASONS
■ The court adopts the factual findings and guidel	ine application in the presentence report.
	OR
☐ The court adopts the factual findings and guidel (see attachment, if necessary):	ine application in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level:35	
Criminal History Category:	
Imprisonment Range: 168 to 210 months	Cts. 1, 3: 3 to 5 years
Supervised Release Range: to years	
Fine Range: \$ _20,000 to \$ _200,000	
Fine is waived or is below the guideling	e range, because of the defendant's inability to pay.
Restitution: \$N/A	
☐ Full restitution is not ordered for the fo	ollowing reason(s):
☐ The sentence is within the guideline range, that reason to depart from the sentence called for b	range does not exceed 24 months, and the court finds no y application of the guidelines.
	OR
The sentence is within the guideline range, that for the following reason(s):	range exceeds 24 months, and the sentence is imposed
The sentence imposed reflects the serior characteristics of the defendant.	ousness of the offense and the
	OR
The sentence departs from the guideline range	•
☐ upon motion of the government, as a result	of defendant's substantial assistance.
☐ for the following reason(s):	

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reason

12

United States District Court

JAN [3 1993

District of	OKLAHOMA	U. S North	rd M. Lawrence, Clerk . District Court Ern district of Oklahoma
· - · · · · · · · · · · · · · · · · · · ·		CRIMINAL	CASE
Case Numbe	r: 92-CR-	074-001 - B	
Roy			
the Superseding Indic	tment		after a
ed guilty of such count(s), w	hich involve t	the following of	fenses:
			Count Number(s)
for Has Reasonable Caus sides in Any Other State than that in Which	e to	United St Northern I here is a true in this Co Ric	Three otes District Court
ded in pages 2 through orm Act of 1984.	3 of this ju	idgment. The s	Deputy sentence is
. Indictment & all c	ounts of th	e Indictmen	t United States.
ce, or mailing address until a	Inited States all fines, restit	attorney for thi ution, costs, a	s district within nd special
42			
	·		
	Date of Imp	position of Sente	ince
	Signature	of Judicial Office	er er
-U.S D 1	Name & Tit	le of Judicial Of	ficer
	//	·) // >	
		$\frac{3-9.3}{\text{Date}}$	
	(For Offenses Case Number Roy The Superseding Indicated ged guilty of such count(s), we can see a guilty of such count(s), we can see a guilty of such count(s) and the second ged in pages 2 through orm Act of 1984. Indictment (s) (are) display a special assessment of the second ged guilty on count(s) and the second ged guilty on count(s) and the second guilty on count(s) are fully paid. The Horizontal Case Number Superseding (s) (are) displayed as special assessment of the second guilty of the Loce, or mailing address until a gare fully paid.	Case Number: 92-CR- Roy W. (Bud) B Defenda the Superseding Indictment ged guilty of such count(s), which involve to the superseding Indictment ged guilty of such count(s), which involve to the superseding Indictment or Has Reasonable Cause to sides in Any Other State or than that in Which Resides ded in pages 2 through	JUDGMENT IN A CRIMINAL (For Offenses Committed On or After Now Case Number: 92-CR-074-001-B Roy W. (Bud) Byars Defendant's Attorney The Superseding Indictment Judy of such count(s), which involve the following of Date Offense Concluded C

AO 245 S (Sev. 4/90) Sheet 4 - Probation		_	1. The second se

Defendant: Robert Gene Coffelt Case Number: 92-CR-074-001-B Judgment-Page 2 of 3

PROBATION

The defendant is hereby placed on probation for a term o	f three years
--	---------------

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

The defendant shall serve the first sixty days in home detention. The use of an electronic monitoring service shall be at the sole discretion of the U.S. Probation Office, but if such service is used, the defendant shall pay the costs.

The defendant shall participate in a mental health program until the probation office determines that the defendant may terminate his participation. This condition may be satisfied by the defendant's continued participation in various Veteran's Administration services and programs.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
 - 14. the defendant shall submit to urinalysis as directed by the U.S. Probation Office.

AQ 245 S (Rev. 4/90) Sheet 7 - Statement of Reas	
Defendant: Robert Gene Coffelt Case Number: 92-CR-074-001-B	Judgment-Page 3 of 3
STATEMENT OF RE	EASONS
The court adopts the factual findings and guideline applica	ation in the presentence report.
OR	,
☐ The court adopts the factual findings and guideline applic (see attachment, if necessary):	ation in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level: 10	
Criminal History Category:I	
Imprisonment Range: 6 to 12 months	
Supervised Release Range: 2 to 3 years	
Fine Range: \$ 2,000 to \$ 20,000	
图 Fine is waived or is below the guideline range, b	pecause of the defendant's inability to pay.
Restitution: \$	
☐ Full restitution is not ordered for the following re	eason(s):
☐ The sentence is within the guideline range, that range do reason to depart from the sentence called for by application	
OR	
☐ The sentence is within the guideline range, that range ex for the following reason(s):	ceeds 24 months, and the sentence is imposed
OR	
The sentence departs from the guideline range	
$\frac{\Box}{x}$ upon motion of the government, as a result of defenda	ant's substantial assistance.
☐ for the following reason(s):	

	United Sta	tes District	Court.	ILEI
	Northern	District of Oklahon	na ./A	. ~ E
			Alchard A	V I 2 Jon
UNITED	STATES OF AMERICA	JUDGMENT	IN A CHANGE	, CASE) Methoder 1, 1987)
	V.	(For Offenses Commi	med On or And 157	G or Och Clare
		Case Number: 92-	-CR-60-001-B	OKLUGA
	Jeffrey Morris			-
(Name of Defendant)		Bedford Defendant's Attorney	
THE DEFENDANT:		_	, , , , , , , , , , , , , , , , , , , ,	
 pleaded guilty to was found guilty of plea of not guilty. 	count(s) <u>One of the</u> on count(s)	Indictment		after a
	defendant is adjudged guilt	y of such count(s), which in	volve the following o	offenses:
3,,			Date Offense	Count
Title & Section	Nature of Offense		Concluded	Number(s)
42:408(a)(7)(B)	Use of Fraudulent S	Social Security Number	11-4-91	One
The defendant is	s sentenced as provided in p	ages 2 through5_ of	to the symmetry this fourt. Encypted A. Lo By A. C. W.	Sentence is
imposed pursuant to	the Sentencing Reform Act	of 1984.		
and is discharged Count(s) It is ordered that One of the In	as been found not guilty on of as to such count(s). the defendant shall pay a sp	(is)(are) dismissed recial assessment of \$ _50 which shall be due 😠 imme	on the motion of the diately as follo	ne United States. , for count(s) ws:
30 days of any chan	R ORDERED that the defend ge of name, residence, or med by this judgment are fully	ailing address until all fines	, restitution, costs, a	and special
Defendant's Soc. Sec.	No.: 441-50-9999			
Defendant's Date of B	irth: <u>3-20-62</u>		ary 4, 1993	
Defendant's Mailing A	ddress:	Date	of Imposition of Sent	ence
1921 S. Gum St	reet	Sig	nature of Judicial Off	icer
Broken Arrow,		· ·		
Defendant's Residenc	a Addrass.		ett, U.S. Distr le & Title of Judicial C	
	e Audioss.	Jan) //the 19	93 -
Same			Date	

Defendant: Michael Jeffrey Morris		Judgment-Page_	2 of 5
Case Number: 92-cR-060-001-B	MADDIOONIES	J	
	IMPRISONMENT		
The defendant is hereby committed to a term of	the custody of the United Sta	tes Bureau of Prisons t	o be imprisoned
a territor 50 moneras			· · · · · · · · · · · · · · · · · · ·
☑ The court makes the following recomme	endations to the Bureau of F	risons:	
e Court recommends that the defend			month during
carceration through the Inmate Fin	ancial Responsibility F	rogram.	
The defendant is remanded to the custody of the	United States marshal.		
The defendant shall surrender to the United State a.m.	es marshal for this district,		
☐ The defendant shall surrender to the United State a.m. ☐ at	es marshal for this district,		
☐ The defendant shall surrender to the United State a.m. ☐ at	es marshal for this district, ence at the institution designated	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated ebruary 8, 1993 RETURN	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated ebruary 8, 1993 RETURN	by the Bureau of Prisons,	
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on	es marshal for this district, ence at the institution designated ebruary 8, 1993 RETURN		
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. ☐ before: ②px mx mx 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. ☐ have executed this judgment as follows:	es marshal for this district, ence at the institution designated lebruary 8, 1993 RETURN ws:		·
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. The defendant shall surrender for service of sent ☐ before>②processor 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. I have executed this judgment as follows:	es marshal for this district, ence at the institution designated lebruary 8, 1993 RETURN ws:		·
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. ☐ before: ②px mx mx 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. ☐ have executed this judgment as follows:	es marshal for this district, ence at the institution designated ebruary 8, 1993 RETURN WS:		
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. ☐ The defendant shall surrender for service of sent ☐ before>②processor 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. I have executed this judgment as followed. Defendant delivered on	ence at the institution designated ebruary 8, 1993 RETURN ws:		· · · · · · · · · · · · · · · · · · ·
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. ☐ The defendant shall surrender for service of sent ☐ before>②processor 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. I have executed this judgment as followed. Defendant delivered on	es marshal for this district, ence at the institution designated ebruary 8, 1993 RETURN WS:		· · · · · · · · · · · · · · · · · · ·
☐ The defendant shall surrender to the United State a.m. ☐ atp.m. on ☐ as notified by the United States marshal. ☐ The defendant shall surrender for service of sent ☐ before>②processor 11:00 a.m. on F ☐ as notified by the United States marshal. ☐ as notified by the probation office. I have executed this judgment as followed. Defendant delivered on	ence at the institution designated ebruary 8, 1993 RETURN ws:		· · · · · · · · · · · · · · · · · · ·

Deputy Marshal

±U.S.GPO:1990-722-448/10286

Defendant: Michael Jeffrey Morris

Judgment-Page 3 of 5

Case Number: 92-CR-060-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supe	ervised release for a term of
three years	

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall pay any remaining restitution balance as directed by the U.S. Probation Office

The defendant shall not open any checking, savings, or credit accounts without the prior written permission of the $U.\ S.\ Probation\ Office.$

The defendant shall refrain from accepting employment which would give him access to an employer's

money, accounts, or inventory.

The defendant shall participate in psychological counseling as directed by the U.S. Probation Office.

Drug screening as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing at the direction of the U. S. Probation Office.

Case Number: 92-CR-060-001-B	ris Judgment—Page 4 of 5
	RESTITUTION AND FORFEITURE
	RESTITUTION
■ The defendant shall make restitute	ion to the following persons in the following amounts:
Name of Payee	Amount of Restitution
See Attachment	\$6,741
	da da.
Payments of restitution are to be made to the made the United States Attorney for the states are	
☐ the payee(s).	
Restitution shall be paid:	
in full immediately	· ,
in full not later than	over a period of months. The first payment is due on the date of
this judgment. Subsequent pay	
this judgment. Subsequent pay in installments according to the	
this judgment. Subsequent pay in installments according to the Any remaining restitution is	e following schedule of payments:
this judgment. Subsequent pay in installments according to the Any remaining restitution is on supervised release.	e following schedule of payments:

RESTITUTION LISTMICHAEL JEFFRE	Y MORRIS - 92-CR-060-001-B
Sooner Federal Savings P. O. Box 1004 Tulsa, OK 74101-1004	\$ 294
Associates Financial Corporation P. O. Box 227016 Dallas, TX 75222-7016	\$ 3,403
Connie Baldwin c/o Liberty Towers 1502 S. Boulder Tulsa, OK 74119	\$ 2,000
Bencharge Credit Services 3132 S. Garnett Rd. #A Tulsa, OK 74146-1901	\$ 4,000
Discover Card P. O. Box 29024 Phoenix, AZ 85038-9024	\$ 2,818
Foley's Department Store Attn: Bill Hall P. O. Box 1971 Houston, TX 77251	\$ 6,610
AT&T Universal 8787 Baypine Road Jacksonville, FL 32256	\$10,150
AN Trust Company Bank P. O. Box 4418, Dept. 144 Atlanta, GA 30302	\$ 3,633
Security Bank 10802 E. 31st Street Tulsa, OK 74147	\$ 2,369
Bailey, Banks & Biddle 901 W. Walnut Hill Lane Irving, TX 74038	\$ 4,907
Citibank Visa P. O. Box 6500 Sioux Falls, SD 57117-6500	\$13,713
American Express Travel P. O. Box 7871 Ft. Lauderdale, FL 33329	\$23,729
TOTAL	\$77,626

	AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reasc
**	Defendant: Michael Jeffrey Morris Judgment—Page 5 of 5 Case Number: 92-CR-060-001-B
	STATEMENT OF REASONS
	The court adopts the factual findings and guideline application in the presentence report.
	OR
	☐ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):
	Guideline Range Determined by the Court:
	Total Offense Level:12
	Criminal History Category:
	Imprisonment Range: 27 to 33 months
	Supervised Release Range: _2 to _3_ years
	Fine Range: \$ 3,000 to \$ 30,000
	Fine is waived or is below the guideline range, because of the defendant's inability to pay.
	Restitution: \$ 77,626
-	Full restitution is not ordered for the following reason(s): Inability to pay full amount
	■ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.
	OR
	☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):
	OR
	The sentence departs from the guideline range
	upon motion of the government, as a result of defendant's substantial assistance.
	☐ for the following reason(s):

DATE 1-13-93
TEOR THE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 13 1993

211

UNITED STATES OF AMERICA, Plaintiff,) }	ENGIANDO METAMARENCE Unideat Light Country Programme Hot Cou
vs) 92-CR-95-C	
LEONARD JAMES TERNES,)	
Defendant	ý	

ORDER

Before the Court is the motion of the Defendant Leonard James Ternes for judgment of acquittal as to Count 1 of the original Indictment filed August 6, 1992 and for dismissal of Counts 1 and 2 of the Superseding Indictment filed on November 6, 1992. Defendant asserts that these counts involve possession of an unregistered sawed-off shotgun which is the same shotgun that was the subject of Count 2 of the original Indictment in which he was found not guilty by a jury on October 22, 1992. Defendant is seeking acquittal and dismissal asserting that the government is barred by the Fifth Amendment protection against double jeopardy and the doctrine of collateral estoppel from further prosecuting him on any claims relating to the sawed-off shotgun.

In the original Indictment filed on August 6, 1992, Ternes was charged in Count 1 with possession of an unregistered, sawed-off shotgun and in Count 2 with possession of the same sawed-off shotgun after former conviction of a felony. The case was submitted to the jury, and after several hours of deliberation, the

jury indicated it had reached a verdict as to one of the two counts and was deadlocked on the remaining count. The Court received the partial verdict which found Ternes not guilty as to Count 2. The Court declared a mistrial as to Count 1.

At trial the government presented evidence that the sawed-off shotgun in question was purchased by Peggy Pearman for and at Leonard and Virginia Ternes request while she was living with them in Kansas City, Missouri. Ms. Pearman testified that Leonard Ternes sawed off the barrel of the shotgun in Kansas City and that it was fired in the basement of the Ternes home in Kansas City.

The government also presented evidence that by February, 1992, Leonard and Virginia Ternes were living in or near Afton, Oklahoma. The Government presented the testimony of Jim White, a Delaware County Deputy Sheriff, who testified that the sawed-off shotgun was found in Delaware County, Oklahoma hidden in some leaves close to a .22 caliber handgun. Another government witness testified that Leonard Ternes had the .22 caliber handgun in his possession on February 28, 1992.

As to the offense charged in Count 1 of the original Indictment, in which the jury was unable to arrive at a verdict, the Court instructed the jury that they must find that the government had proved the following essential elements beyond a reasonable doubt:

- the Defendant knew he had a firearm in his possession;
- 2) the firearm was a sawed-off shotgun having a barrel or barrels less than 18 inches in length;

- 3) the firearm was capable of firing a cartridge; and
- 4) the firearm was not registered to Defendant in the National Firearms Registration and Transfer Record.

At trial the government offered the testimony of FBI Special Agent Les Farris who testified that the sawed-off shotgun had a barrel less than 18 inches in length, and that it was capable of firing a cartridge. By stipulation, it was admitted that the sawed-off shotgun was not registered to the defendant in the National Firearms Registration & Transfer Records. The only contested issue for the jury to determine as to Count 1 was whether the defendant knowingly possessed the sawed-off shotgun in the Northern District of Oklahoma as alleged in the Indictment count.

The Court instructed the jury as to Count 2 of the Indictment, in which the jury found the defendant not guilty, as follows:

- that the Defendant Leonard James Ternes, was convicted in a court of a crime punishable by imprisonment for a term exceeding one year, as alleged in the Indictment;
- 2) that Leonard James Ternes thereafter knowingly received (a firearm) as alleged in the Indictment; and
- 3) that the firearm had previously been shipped or transported in interstate commerce.

By stipulation it was agreed and thus established that the Defendant had previously been convicted of a felony. The evidence at trial was uncontested that the gun in question was purchased by Ms. Pearman in Kansas City, Missouri and was later discovered in Delaware County, Oklahoma. It was the testimony of Ms. Pearman

that she had purchased the gun in Kansas City, Missouri at Ternes request and that she had delivered the gun to Ternes in Kansas City and further that she did not bring the gun to Oklahoma. The testimony also established that Leonard Ternes lived at the residence which Ms. Pearman testified the gun was taken, in Kansas City, Missouri and Leonard Ternes lived for a time where the gun was found in Delaware County, Oklahoma.

The entire argument to the jury was whether the defendant Leonard Ternes ever possessed or received the gun "in the Northern District of Oklahoma" as alleged in the Indictment. attacked the credibility and believability of Counsel Government witness, Ms. Pearman, the entire defense rested on whether the Government had proved, beyond a reasonable doubt, receipt of the gun in the Northern District of Oklahoma by Defendant Ternes. No issue before the jury was made as to whether the gun was a sawed-off shotgun having a barrel less than 19 inches in length or that it was capable of firing a cartridge and not registered in the National Firearms Registration and Transfer Record. The sole contested essential element was possession of the gun by Defendant Ternes in the Northern District of Oklahoma. To this issue the jury returned its verdict of Not Guilty.

In an effort to avoid collateral estoppel on the issue of possession, the government argues that the jury found the defendant not guilty as to Count 2 upon the government's failure to prove the requirement that the firearm traveled through interstate commerce prior to the sawed-off shotgun being purchased by Ms. Pearman in

Kansas City. Thus the government argues that it is not collaterally estopped from a second trial of the defendant on the issue of receipt after having traveled in interstate commerce.

The Court finds government's assertions without merit. Even though government failed to put on expert testimony that the gun had been manufactured outside Missouri or Oklahoma, the evidence was clear and not refuted that the sawed-off shotgun had been in Kansas City, Missouri prior to it being discovered in Oklahoma by the Delaware County Deputy Sheriff. Thus the sawed-off shotgun would have had to travel, in some fashion, through interstate commerce for it to have been in Oklahoma, which was the relevant location for possession of the sawed-off shotgun in the trial. There was no need for the government to offer proof that the gun had traveled in interstate commerce before being transported from Kansas City, Missouri to Oklahoma.

The only relevant contested issue at the trial was whether the defendant had received the sawed-off shotgun after it arrived in the Northern District of Oklahoma. The jury thus simply found that the government had failed to prove, beyond a reasonable doubt, that the defendant Leonard Ternes received or possessed the gun in the Northern District of Oklahoma. The government cannot argue that the defendant's receipt of the sawed-off shotgun in Kansas City, Missouri, was sufficient to convict him of the offense charged in Count 2, which charged receipt of the firearm "in the Northern District of Oklahoma."

The Court finds that the only common contested issue of fact

at the trial of Counts 1 and 2 of the original Indictment is the element of possession in Oklahoma. As to that issue, the government is collaterally estopped from placing the defendant in double jeopardy. Collateral estoppel has been defined by the Supreme Court as when "as issue of ultimate fact has been determined by a valid and final judgment, that issue cannot again be litigated between the same parties in any future lawsuit." Ashe v. Swenson, 397 U.S. 436, 443. Two inquiries are to be made by the Court, "First, what facts were necessarily determined in the first law suit? Second, has the government in a subsequent trial tried to relitigate facts necessarily established against it in the first trial?" Id.

Through the jury's pronouncement of a not guilty verdict as to Count 2 of the original Indictment with the only contested issue being whether the defendant received the sawed-off shotgun here in the Northern District of Oklahoma, the Court finds and concludes that the government is collaterally estopped from a second trial as to the offense charged in Count 1 of the Indictment, possession of an unregistered firearm after former conviction.

Defendant is also seeking dismissal of Count 1 contained in the Superseding Indictment which alleges a separate offense of conspiracy between Virginia and Leonard Ternes to possess the subject sawed-off shotgun. As to this count, the Court finds Defendant's motion without merit. Even though the defendant may have been found not guilty of individually possessing the subject sawed-off shotgun, it is a separate and independent issue as to

whether Leonard Ternes conspired with his wife to possess the sawed-off shotgun here in the Northern District of Oklahoma. This issue has not been presented to a jury.

In so finding, the Court hereby grants defendant's motion for acquittal as to Count 1 of the Indictment filed on August 6, 1992, and Defendant's motion to dismiss Count 2 of the Superseding Indictment filed on November 6, 1992. Defendant's motion to dismiss Count 1 of the Superseding Indictment is denied.

IT IS SO ORDERED this 13th day of January, 1993.

H. DALE COOK

UNITED STATES DISTRICT JUDGE

ENTÉ	RED	O	V	DOCKET	٠
DATE	JAN	1	2	1993	

IN THE UNITED STATES DISTRICT COURT FOR FILED

UNITED STATES OF AMERICA,	JAN 1 2 1993
Plaintiff,	Richard M. Lawrence, Court Clerk U.S. DISTRICT COURT
vs.) No. 90-CR-10-B
VERNON O. HOLLAND, JAMES DAVIS DRANE MAULDIN, JR.,) }
Defendants.	;

ORDER

This matter comes on for consideration of Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution filed on November 27, 1992. Also under consideration is the Court's *sua sponte* Order of December 7, 1992, directing the parties to submit briefs addressing the following:

"In view of the Court dismissing the conspiracy count (Count 1) with prejudice, at the request of the Government, and thereafter the Tenth Circuit Court of Appeals ruling (on Defendants' double jeopardy appeal) that jeopardy has attached to Count 1, and in light of the second predicate violation requirement of 31 U.S.C. §5322(b) ("while violating another law of the United States"), is the conspiracy count, to which jeopardy has attached, available as a predicate second violation as charged in the Indictment? If not available, is Defendant Holland subject to potential conviction under §5322(a) as a lesser included offense of §5322(b)?"

Defendants' vindictive prosecution motion is essentially based upon the premise that: The First Amendment bars a prosecution that would not have been brought but for a desire to discourage

¹ The Court notes Defendants' Motion is considerably out of time, the deadline for filing defense motions having been set for December 29, 1990. Notwithstanding, the Court will consider Defendants' instant Motion as if timely filed.

protected expression, even if there might also have been a permissible motive for prosecution. Upon such premise Defendants allege: (A) The National, Regional and District officials (of the Internal Revenue Service) developed a strategy designed to eliminate NCBA/FEA's² boycott against the Federal Reserve throughout the United States, including associational rights and other activity they knew was protected by the First Amendment; and (B) This unconstitutional strategy was applied to Defendants.³

Defendants begin their efforts by stating "[I]t is uncontroverted that the Freeman Education Association/National Commodity and Barter Association are unincorporated, voluntary political, educational associations, opposed to the current tax, fiscal and monetary laws and policies of the United States. The Court views the record herein and the rather sizeable body of "tax protesters" case precedent as amply supporting this.

Defendants next state that IRS district tax protester coordinator William Walter considered the NCBA as "a classic tax

² National Commodity Barter Association/Freeman Educational Association.

³ These issues were set forth in Defendants' filing of January 4, 1993. Defendants' 55 page Verified Motion, filed November 27, 1992, set forth these same issues in longer form. Attached to such Motion were Exhibits 1-41, comprised of a few hundred pages of non-tabbed, non-indexed material.

⁴ It is unclear whether Defendants characterize FEA and NCBA as one monolithic association or two separate associations (as perceived by Court from the record herein).

protester organization"; that Walter explained that the NCBA was formed as the result of NCBA's founder, John Grandbouche, running for Lieutenant Governor of Colorado in 1978, and a large part of Mr. Grandbouche's platform consisted of tax protester ideas; that Walter testified that the IRS had a campaign to identify members of the NCBA and investigate them⁶. Defendants argue that John Pleasant, a highly visible member of NCBA⁷, has testified that NCBA has been subjected to "almost continuous grand jury and/or IRS criminal investigations from 1979 to date".

Defendants further argue it is uncontroverted that the IRS maintains a list in its national computer system which identifies individuals classified as "illegal tax protesters."

Defendants state that John Pleasant was provided, in 1983, a document by the Austin Service Center Freedom of Information Office in response to a request he made. Pleasant testified that the document is:

⁵ Walter's testimony was given November 19, 1992, in <u>National</u> <u>Commodity and Barter Association</u>, et al, v. <u>United States of America</u>, 89-M-1912, <u>United States District Court for the District of Colorado</u>. The exact testimony was: "The NCBA was -- I guess I could say it was a classic tax protester organization."

⁶ The exact testimony was:

[&]quot;Q Well, you say the NCBA, but you're really talking about NCBA members and their individual tax liabilities, aren't you?

That's the way--yes, sir. That's the way we had been approaching the NCBA, was identifying known members and, first of all, seeing what their situation was, if they'd filed tax returns. And at least as far as I was involved in the examination division, I was focusing exclusively on those that had not filed tax returns."

⁷ See <u>Pleasant v. Lovell</u>, 876 F.2d 787 (10th Cir.1989), a case where members of NCBA brought an action against IRS agents.

"[A] statement of the results of a study group formed in the national office to deal or to begin setting policy with how the Internal Revenue Service is going to respond to the illegal tax protest movement."

Pleasant, in his testimony, quoted the document after summarizing it:

"I recall spending a considerable period of time going through this document and being surprised at some of the language.... Somewhere in here is the policy determination that they're going to seek to stifle this dissent by going to national organizations and seeking to take out the leaders either by criminal or civil prosecution and cut off the head in order to kill the body."

"COHAN: . . . and that last sentence, would you read that, please? "The PLEASANT: recommendation is to centralized CID task force to concentrate its investigative efforts on such problem areas ... problem areas as tax protest leaders.... Such a task force in this area would definitely be conducive to the concept of cutting off the head, i.e. the national leaders who are constantly on the move from service district to service district to kill the body." ". (Although the Defendants have virtually inundated the Court with pleadings, papers and filings on various issues, this document, a quote from which is offered on a critical, or perhaps the critical issue, is not provided to the Court.)

Defendants next argue that, in the present case, Agent John Thomas has testified that Thomas was aware that "leaders" were the focus of investigations; that Thomas "certainly came to consider" Vernon Holland to be classified as a leader of a tax protest movement.

Defendants state that on April 5, 1985, IRS Special Agents executed search warrants at seven locations in five states against NCBA in connection with its investigation into warehouse banking,

seizing <u>inter alia</u> membership lists; that on October 16, 1985, the IRS executed simultaneous searches and seizures of the satellite NCE exchanges in California, Washington, Oregon and Georgia, also seizing membership lists. Defendants state these lists were distributed to the Chiefs, Criminal Investigation Division, in the respective district offices to be used as information items.

During the trial of this case Agent Thomas testified that "information items" existed as to FEA, Defendants and others. At the December 23, 1992 hearing Thomas testified these items of information, which comprised his first awareness of FEA and/or these Defendants, came from three sources during a 90 day period of time from January 1 to March 30th, 1987: (1) IRS Agent Brennan who responded to an ad in New Jersey that indicated FEA operated a warehouse bank which was offering services that would, in the opinion of the IRS, help to conceal the income and assets of its membership from government agencies, state and federal; received information from IRS Agent David Jansen who was involved in a grand jury investigation that some of the banks in Tulsa had provided information concerning possible Title 31, Section 5324 violations with relation to structuring transactions; and (3) received referrals from the Collection Division of IRS on people who had been identified as having some connection to the Freeman Education Association because they had failed to file returns for a good many years.

Defendants complain these information items concerning

Defendants and Freeman Education Association have not been produced

to the present date notwithstanding Defendants' Motion For Disclosure of Exculpatory Evidence also filed November 27, 1992.

Defendants main thrust is that the IRS, armed with the NCBA membership lists, began a campaign to purge the membership by initiating criminal and civil actions against individuals identified the lists on across the nation; that this unconstitutional strategy was applied to Defendants.

Defendants next assail (again) the search of FEA headquarters, which occurred September 15, 1987. The constitutionality of this search was approved by this Court in its Order of July 20, 1990 (docket #71). Likewise, much of Defendants' 55 page Motion filed November 27, 1992, is a review of the NCBA activity and litigation which occurred for the most part in the state of Colorado during the late 70s and 80s. Its only relevance is Defendants' present attempt to demonstrate an unconstitutional scheme on the part of the IRS to suppress the First Amendment rights of the NCBA, NCE, FEA and the various membership thereto, in light of the Tenth Circuit's recent pronouncement in <u>United States v. P.H.E., Inc. a/k/a Adam & Eve, et al</u>, 965 F.2d 848 (10th Cir.1992).

In P.H.E., obscenity Defendants sought dismissal of an indictment based upon alleged vindictive prosecution. The lower Court denied Defendants' motion to dismiss and Defendants appealed. The Tenth Circuit determined that Defendants had indeed established vindictive prosecution thereby shifting the burden to the Government prosecutors to justify their decision to indict Defendants, with legitimate, articulable and objective reasons.

P.H.E. was the product of then Utah United States Attorney Brent Ward's desire, in 1985, to coordinate a nationwide prosecution strategy against companies that sold obscene materials. Ward suggested to then Attorney General Edwin Meese that a coordinated effort by all thirty-five strike force prosecutors could instigate multiple, expense-prone prosecutions severely testing the limits of pornographers' endurance. Ward believe the targeted companies would curtail their operations and they would withdraw from and refrain from entering geographical markets in which they could not find community acceptance. Assistant U.S. Attorney Richard Lambert, a prosecutor in the P.H.E. case, worked with Ward on the project.

Notwithstanding the Department of Justice's policy discouraging multiple obscenity prosecution unless the materials were unquestionable obscene, the Department changed its policy in September 1987, presumably at the urging of Ward and/or Lambert. However, Lambert's dealings with PHE began in 1986.

In May of 1986 PHE's premises in North Carolina were searched by federal and state agents, including federal prosecutors from Utah and the Eastern District of North Carolina. Federal agents also served PHE's employees with 118 subpoenas.

PHE's attorneys met with Ward and Lambert in September, 1986 to see if a plea agreement could be worked out.

"At these meetings, Ward and Lambert stated that the only way the defendants could avoid multiple prosecutions was by ceasing distribution in Utah of all sexually oriented materials, not simply those that were obscene (an exception was made for films that had received an "R" rating from the Motion Picture Association of America.)

Id. It bears emphasis that Ward and Lambert acknowledged that this would require the company to stop sending material that was protected by the First Amendment. *Id*. at 851.

During these negotiations, Lambert stated that if no plea agreement was reached, prosecution could be brought in Utah and elsewhere in the country, specifically Alamance County, North Carolina (the main office of PHE).

No plea agreement being reached, prosecutions and related civil litigation followed, resulting in an injunction being issued in Washington, D.C. federal court, "barring Lambert and others from "causing or permitting indictments charging violations of 18 U.S.C. §§ 1461-65 to be returned against plaintiffs, or either of them, in more than one federal judicial district within the United States" pending a ruling on the permanent injunction." PHE, Inc. v. Department of Justice, 743 F.Supp. 15, 28 (D.D.C.1990). The Court state its conclusions thus:

intimidating manner intrusive and in which defendants searched plaintiffs' premises, the subpoenas which another federal court characterized as "harassment" of plaintiffs, the acknowledgement by the defendants that many of the materials they seek to prevent plaintiffs from distributing are constitutionally protected, the allegation that investigations were initiated despite the fact that the FBI advised [the] Assistant United States Attorney for the Eastern District of North Carolina[] that the materials distributed by plaintiffs were not within the scope of FBI guidelines for the prosecution or investigation of obscenity, the threats of multiple prosecutions if plaintiffs did not cease distribution of certain materials nationwide and cease distribution entirely in Utah including Playboy magazine and The Joy of Sex, and the admitted desire to get Harvey "out of the business," substantiate plaintiffs' allegations of bad faith.

After the Washington D.C. District Court issued a preliminary

injunction, Lambert urged prosecution of PHE to the new Utah United States Attorney, Dee Benson. The Utah grand jury returned an indictment against PHE and others. The Defendants moved for dismissal, arguing the prosecution was in bad faith.

The District Court rejected the bad faith claim, failing to find a connection between the litigative efforts in North Carolina, Washington, D.C. and other points East and the instant prosecution, and also noting there was no allegation of bad faith motivation on the part of new U.S. Attorney Benson. An appeal followed.

The Tenth Circuit acknowledged the Supreme Court's recognition that a limited appeal exception exists for certain collateral orders that do not terminate an action, Cohen v. Beneficial Indus.

Loan Corp., 337 U.S. 541 (1949), and that the District Court's Order implicated "important right[s] which would be 'lost, probably irreparably,' if review had to await final judgment . . .". Abney v. United States, 431 U.S. 651, 658 (1977). Taking jurisdiction, the Tenth Circuit observed that the actual act of going to trial under a pretextual prosecution has a chilling effect on protected expression and the right asserted is a "right not to be tried", citing United States v. Hollywood Motor Car, 458 U.S. 263 (1982). Further, the Tenth Circuit alluded to its teachings in Bender v. Clark, 744 F.2d 1424 (10th Cir.1984) where it recognized that "the danger of injustice by delaying appellate review outweighs the inconvenience and costs of piecemeal review." Id. at 1427.

After reviewing the Washington D.C. Federal Court injunction against Lambert, described therein as a showing of bad faith in at

least seven separate instances in that Court's narrative of facts, the Tenth Circuit concluded that Lambert was extensively involved in the multiple prosecution strategy against the PHE Defendants, and that the district court's finding to the contrary was clearly erroneous. Further, the Tenth Circuit declined to accept the Government's proposition that a single untainted prosecutor or investigative agent can cleanse an otherwise vindictive prosecution, citing <u>United States v. Raymer</u>, 941 F.2d 1031 (10th Cir.1991) which held the inquiry must be whether, as a practical matter, there is a reasonable likelihood of prosecutorial conduct that would not have occurred but for some hostility or punitive animus towards a Defendant because of exercising specific legal rights. Raymer explained how the test was to be applied:

"A defendant has the burden of proof and must establish either (1) actual vindictiveness, or (2) a realistic likelihood of vindictiveness which will give rise to a presumption of vindictiveness. Thereafter, the burden shifts to the prosecution to justify its decision with legitimate, articulable, objective reasons. *Id. at 1040*.

In <u>P.H.E.</u> the Tenth Circuit, having already concluded that the PHE Defendants had already satisfied their burden of showing that the indictment is the tainted fruit of a prosecutorial attempt to curtail PHE's future First Amendment protected speech, remanded the matter to allow the Government an opportunity "to justify its decision with legitimate, articulable, objective reasons." *Id.* at 1040.

This Court's hearing of December 23, 1992, was held to allow the Defendants to establish either actual vindictiveness, or a realistic likelihood of vindictiveness which will give rise to a presumption of vindictiveness. If done, the burden would shift to the prosecution to justify its decision with legitimate, articulable, objective reasons.

Cases involving singular First Amendment product (only the written word, the spoken word, visual images, etc. and nothing more) lend themselves to a more pure form of constitutional analysis. These cases can be approached in a relatively straightforward manner. However, cases which involve First Amendment product wrapped around and intrinsically interwoven with alleged criminal activity give courts greater pause. Further complications arise when the alleged criminal activity (e.g. alleged violation of the income tax laws) is clothed with political assertions of unconstitutional measure, i.e. the income tax is illegal, the income tax should not be paid because it is contrary to the Constitution of the United States, the federal reserve system is invalid because not based upon the gold standard and so forth.

If the alleged criminal activity is patently criminal no First Amendment involvement would deter lawful amount of extreme example would be if a political prosecution. An organization advocating return to the gold standard, elimination of the federal reserve system, and other non main-stream ideologies, would espouse, encourage, aid and abet (including how-to seminars) the robbing and/or burglarizing of all federal reserve banks. First Amendment arguments to explain and defend such criminal behavior would be to no avail.

First Amendment political organizations that (voluntarily) become involved with the income tax laws of the United States present complex issues. Other courts have struggled with this imbroglio. In In Re Grand Jury Proceeding, 842 F.2d 1229 (11th Cir.1988), a case involving NCBA and its affiliate NCE, the following appears:

"NCBA is an association dedicated to limited government, privacy in personal and financial affairs, and the protection of private property. NCBA advocates home education of children, the abolition of the Internal Revenue Service, and a return to the gold standard. It disputes the constitutionality of the Federal Reserve System and many of the federal administrative agencies. NCBA publishes books and newsletters alerting its members to the dangers posed by environmental pollution, unsound currency, and the growth of the federal government.

also provides its members with various NCBA financial services. For example, members can participate in a plan under which NCBA pays legal expenses for IRS audits and criminal tax prosecutions. Most importantly for purposes of this appeal, NCBA operates, through its wing NCE, a service through which members can purchase precious metals and pay bills with a minimum of recordkeeping. Under this plan, appellant William Bicket, the Atlanta area representative of NCBA, receives checks from members to be deposited in an "account" created for them by NCBA. Bicket collects the checks and forwards them to NCBA with forms in the nature of deposit slips. NCBA then disburses funds according to its members' indication instructions, without any that disbursements are paid from any particular member's account. Id. at 1230

The financial system operated by NCBA obviously provides significant opportunities for the evasion of federal tax laws, especially requirements for the reporting of taxable income." Id. at 1230.

". . . Even assuming arguendo that NCBA can demonstrate an infringement of its freedom of association, the government nonetheless has established a justification for this infringement. 'The right to associate for expressive purposes is not ... absolute.' Roberts v. United States Jaycees, 468 U.S. at 623, 104 S.Ct. at 3252. '[T]here are governmental interests sufficiently

important to outweigh the possibility of infringement... Buckley v. Valeo, 424 U.S. at 66, 96 S.Ct. at 657. As explained above, the government may take action that would infringe upon the freedom of association when it can demonstrate a "substantial relation" to a compelling interest. See Buckley v. Valeo, 424 U.S. at 64., 96 S.Ct. at 656; Gibson v. Florida Legislative Investigation Committee, 372 U.S. at 546, 83 S.Ct. at 893.

There is no doubt that this case implicates a compelling governmental interest. The government is investigating possible criminal violations of the tax laws and suggests that individuals may be using the financial system to of NCBA's structure requirements for reporting taxable income. A good-faith criminal investigation into possible evasion of reporting requirements through the use of a private banking system that keeps no records is a compelling interest. "No power is more basic to the ultimate purpose and function of government than is the power to tax", Bates v. City of Little Rock, 361 U.S. 516, 524, 80 S.Ct. 412, 417, 4 L.Ed.2d 480 (1960)." Id. at 1236.

In the case of <u>Pleasant v. Lovell</u>, 876 F2d 787 (10th Cir.1989) the following appears:

"Some record evidence suggests that NCBA members may have advocated or participated in various schemes designed to evade federal income tax. These included engaging in a barter system for the purpose of not recognizing taxable income, submitting incorrect employee withholding forms (Form W-4) claiming exemption from federal tax withholding, and transacting business through a warehouse bank, such as the National Commodity Exchange (NCE), so as to avoid IRS scrutiny concerning cash deposits and payments, see Heinhold Hog Market, Inc. v. McCoy, 700 F2 611, 616 (10th Cir.1983). While the political speech of NCBA members is protected by the first amendment, the same is not true of speech encouraging or facilitating illegal activity. Id. at 790.

evidence indicating that various NCBA members are now reluctant to associate with the group. At the same time, we recognize that some interference may be permissible when the government can demonstrate a compelling interest, such as good-faith criminal investigation that is narrowly tailored to detect information concerning tax evasion. In re Grand Jury Proceeding. 842 F2d at 1236." Id. at

804-805.

The Court is of the view that, under the record herein, the government has amply demonstrated a compelling interest, i.e. a good-faith criminal investigation, sufficiently focused on Defendants' non-First Amendment activities. 8 The Court also concludes that Defendants have failed to demonstrate that the instant case results from selective and/or vindictive prosecution emanating from bad motivation or animus on the part of the Internal Revenue Service generally or Agent John Thomas specifically. The Court further concludes that, even if the record demonstrated that this prosecution arose solely as a result of IRS' seizure of NCBA membership lists (which presumptively included Defendants' names thereon), which the Court believes the record fails to demonstrate, this prosecution would not be tainted as violative of Defendants' First Amendment rights.9

Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution should be and the same is

⁸ The record herein, including the evidence developed in the previous trial demonstrates that the activities of the FEA are similar in most respects to that of the NCBA in <u>In Re Grand Jury Proceeding</u>, and <u>Pleasant v. Lovell</u>, *supra*, just discussed.

⁹ The Court has had the benefit of hearing and seeing the Government's evidence in the Count Two charge against Defendant Mauldin and the Counts Three, Four and Five charges against Defendant Holland, presented in the first trial in which a mistrial was granted due to a "hung jury". The entire record indicates separate alleged federal statutory criminal violations not commenced with the underlying motive of stifling or interfering with the Defendants' legitimate First Amendment rights to voice opposition to the federal income tax laws and/or the national monetary system.

hereby DENIED.

The Court next addresses the issues stated in its sua sponte Order of December 7, 1992.

After reexamination of the Tenth Circuit's Opinion and Judgment entered on February 13, 1992, and filed herein on April 13, 1992, and the record and pleadings including the pleadings filed in response to the Court's Order, the Court concludes the Tenth Circuit more than adequately disposed of the double jeopardy issue again urged by Defendants. Further, the Court's Order of July 25, 1991, which was appealed to the Tenth Circuit, wherein the Court found no double jeopardy as to the remaining counts as a result of the Government-urged dismissal of Count One, also granted the Government's previous motion and ordered the deletion of language referencing the conspiracy count, 18 U.S.C. §371, from Counts Three, Four and Five and also amended the charged subsection of Section 5322 from "(b)" to "(a)". Defendants failed to appeal this aspect of the Court's Order.

Further, the Court concludes the "lesser include offense" potential issue is moot in view of the above. To the extent Defendants have outstanding a renewed Motion To Dismiss on the issue of Double Jeopardy and/or the issues suggested in the Court's Order of December 7, 1992, the same is OVERRULED.

In summary, the Court DENIES Defendants' Verified Motion To Dismiss Indictment Based on Discriminatory and Vindictive Prosecution, and also DENIES Defendants' Motion To Dismiss on the issue of Double Jeopardy and/or the issues suggested in the Court's

Order of December 7, 1992.

The severed cases will proceed to jury trial as set forth in the Court's Order of December 29, 1992.

IT IS SO ORDERED this _______ day of January, 1993.

UNITED STATES DISTRICT JUDGE

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAN 7 1993

LEWIS AARON COOK,	Richard M. Lawrence, Clark U. S. DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA
Petitioner,	\
vs.	No. 92-C-907-E and No. 89-CR-107-E
UNITED STATES OF AMERICA,	
Respondent.	Ś

ORDER

This matter is before the Court on expedited review of various post-sentencing motions of Lewis Aaron Cook. For the reasons stated herein, the Court finds all of the motions to be frivolous and without support in the record.

On December 22, 1989, Cook was convicted on three counts of a four-count superseding indictment. Specifically, Cook was convicted of possessing varying amounts of mixtures containing a cocaine base with intent to distribute, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(B)(iii); and knowingly maintaining a place for the distribution of crack/cocaine, in violation of 21 U.S.C. §856(a).

On April 3, 1990, Cook was sentenced by this Court to two-hundred sixty-two (262) months and two-hundred forty (240) months of incarceration, to run concurrently, with five (5) years of supervised released, and payment of \$150.00 to the special criminal assessment fund. On that same day, Cook filed a notice of appeal from the sentencing order of this Court (docket #52). On November

of this Court (docket #74), finding as follows:

- (1) Neither Cook's due process rights nor his equal protection rights were violated by the decision of the federal government to prosecute under federal, rather than state, statutes, notwithstanding the harsher penalties.
- (2) The affidavit in support of the search warrant issued on July 25th was sufficient to sustain a probable cause determination.
- (3) The trial court did not abuse its discretion in admitting the testimony of co-Defendant Yvonne Cross who pled guilty to the charged offenses and allowing the jury to determine her credibility.
- (4) The trial court did not commit reversible error in refusing a reluctant witness instruction with respect to the testimony of Cross and Swimp.
- (5) The trial court did not commit reversible error in refusing to submit Cook's proposed instruction to the jury about the particular infirmites of a drug addict's testimony.
- (6) The trial court did not err in adopting the probation officer's estimate of the quantity of drugs involved in his offense because the estimate was supported by the record which contained sufficiently reliable information.
- (7) The trial court did not err in relying on the testimony of Swimp to enhance Cook's base offense level.

In the interim period between Cook's notice of appeal and the order and judgment of the Tenth Circuit, Cook filed the following post-trial motions: Application to proceed with appeal in forma pauperis and for appointment of counsel (docket #53), Application for release on bond pending appeal (docket #55), motion for an evidentiary hearing (docket #56), petition for writ of habeas corpus and/or motion for new trial and/or motion to dismiss (docket #58), motion to dismiss (docket #61), motion for new trial (docket #62), request for transcripts (docket #49). All of these motions were denied by order of this Court on April 2, 1990 (docket #64).

During the period from October 6, 1992 and November 16, 1992, Cook filed the following motions which are now before this Court on

expedited review:

- Petition for Writ of Habeas Corpus or motion to vacate sentence under 28 U.S.C. §2255 (docket #78) and motion for release on bond pending disposition of the motion to vacate (docket #80),
- 2. Request for discovery under Federal Rules of Civil Procedure 16 and 34 (docket #81), and motion for production of documents and for an order compelling such production (docket #82).

This Court will address each of the above motions separately.

(1) Petition for Writ of Habeas Corpus or Motion to Vacate

Cook urges the following in support of her petition: (a) His 4th Amendment rights were violated in that the search warrant issued was "'founded' on complete falsehoods", (b) His 6th Amendment Right to effective assistance of counsel was denied in that his Counsel curtailed cross-examination of a "Star Government Witness, Mark McCrory" and prevented the production of further evidence, and (c) Co-Defendant Cross was "threatened" before she agreed to testify against Cook.

This Court is without jurisdiction to hear either (a) or (c) above. These arguments have already been addressed by this Court which found these arguments to be without merit. The Tenth Circuit Court of Appeals has affirmed the judgment of this Court on these matters (docket #74).

In order to establish a violation of the Sixth Amendment, when no such claim was raised at trial, the claimant must establish that an actual conflict of interest adversely affected his lawyer's performance. <u>Cuyler v. Sullivan</u>, 100 S.Ct. 1708, 1718, 446 U.S. 333, 348 (1980). Neither Cook's Petition nor anything in the record supports the finding of <u>any</u> conflict of interest,

nonetheless an <u>actual</u> conflict of interest. Separate counsel was retained for the co-defendants in this action and therefore any issue of conflict by virtue of multiple representation of co-defendants was eliminated at an early stage.

Furthermore, this Court has already denied Cook's earlier motion for an evidentiary hearing with respect to his post-trial claims that a "controlled buy" never occurred but was merely fabricated by the police officers involved in his case. Cook now claims in this, his second, Petition that he was denied effective assistance of counsel because this evidence was not submitted.

Cook has stated no fact or law to support this, his second, petition for writ of habeas corpus, nor has Cook justified his failure to raise these claims in his first petition. The Court finds that Cook has "abused the writ" and accordingly denies his petition.

This order in essence renders moot Cook's simultaneous motion for release on bond pending resolution of his petition. Nonetheless, the Court notes that the Court has heard and denied many requests by Cook to be released during the pendency of these proceedings. The Court again finds that Defendant fails to meet his burden of showing by clear and convincing evidence that he is neither a danger to the community nor a flight risk if released. 18 U.S.C. §3143(b)(1) and (b)(2).

(2) Request for Discovery and Motion for Production of Documents and for an Order Compelling Production

Cook requests a copy of the transcript of "the Third Detention

Hearing, Hearing on Defendants, Motion for a Continuance and Brief, which was held before this Court on a date certain, ect. [sic]". Cook urges that this transcript is "essential" to enable him to "Impeach the Case Agent" and to "prove that a Conspiracy did exist between the Case Agent, and the Affiant, on the July 25th Search Warrant".

Again, the Court finds that challenges to the Search Warrant or to the credibility of any witness who testified at trial must have been made at the time of the trial. Defendant has long since waived the right to raise these objections, as this Court already indicated in its order dated May 2nd of 1990 (docket #64). Discovery and production of documents is accordingly futile at this late date.

IT IS THEREFORE ORDERED that Petitioner's Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. §2255, (a.k.a. Petitioner's "Motion to Vacate") is hereby denied as an abuse of writ. IT IS FURTHER ORDERED that Petitioner's Request for Discovery and Motion for Production of Documents are hereby denied.

ORDERED this ______day of January, 1993.

JAMES O. FALLISON, Chief Judge UNITED FTATES DISTRICT COURT NORTHERN

United States District Court

OKLAHOMA

District of _____ JUDGMENT IN A CRIMINAL CASE UNITED STATES OF AMERICA (For Offenses Committed On or After November 1, 1987) V. Case Number: 92-CR-054-002-E ENTERED ON DOCKET KENNETH NICHAEL SPROUTS William Hughes DATE (Name of Defendant) Defendant's Attorney THE DEFENDANT: □ pleaded guilty to count(s) One, Seven, and Ten after a was found guilty on count(s) plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses: Date Offense Count Number(s) Concluded Nature of Offense Title & Section 6-4-92 One Conspiracy to Possess With the Intent to 21:846(a)(1) & Distribute and to Distribute Cocaine 841(b)(1)(A) 6-4-92 Seven & Ten Maintaining a Place Where Controlled 21:856(a)(l) & Substances are Distributed 856(b) The defendant is sentenced as provided in pages 2 through $\frac{4}{2}$ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s). _ (is)**are) dismissed on the motion of the United States. It is ordered that the defendant shall pay a special assessment of \$ 150 , for count(s) One, Ceven, and Ten , which shall be due I immediately as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. Defendant's Soc. Sec. No.: __326-66-8914 December 29, 1992 09-03-72 Defendant's Date of Birth: ____ Date of Imposition of Sentence Defendant's Mailing Address: Signature of Judicial Officer James O. Ellison, Chief U. S. District Judge Anged Steten Metalog Court Name & Title of Judicial Officer Defendant's Residence Address: <u>te a truc e gw 6</u>0 1126 W. 110th Street in this Court. mas Chicago, Illinois 60643

AO 245 S (Rev. 4/90) Sheet 2 - Imprisonment			
Defendant: KENNETH NICHAEL SPROUTS Case Number: 92-CR-054-002-E	IMPRISONMENT	Judgment—Page	2 of <u>4</u>
The defendant is hereby committed to the aterm of 151 months for each count,	e custody of the United Star , Cts. One, Seven, and	tes Bureau of Prisons to a Ten to run concur	be imprisoned for
a term of 151 months for each count,			
The court makes the following recommen			itation.
The defendant be placed near Chic	ago, IIIInois, co lac	Tillace lumily vio	200000000000000000000000000000000000000
☐ The defendant is remanded to the custody of the United States □ a.m. □ atp.m. on □ as notified by the United States marshal. □ The defendant shall surrender for service of senten □ before 2 p.m. on □ as notified by the United States marshal. □ as notified by the United States marshal. □ as notified by the probation office.	marshal for this district,	by the Bureau of Prisons,	
	RETURN		
I have executed this judgment as follows	S:		
Defendant delivered on			
•		, with a certified cop	y of this judgment.
		United States Marsh	al

Deputy Marshal

± U.S.GPO:1990-722-448/10286

MO 240 O (NOV. 4100) OREST O F DODE MESSO NEISONS	
Defendant: KENNETH NICHAEL SPROUTS Case Number: 92-CR-054-002-E SUPERVISEI	Judgment—Page 3 of 4 D RELEASE
Upon release from imprisonment, the defendant sha	
5 years for each count, Cts. One, Seven, and	Ten to run concurrently
While on supervised release, the defendant shall not illegally possess a controlled substance. The defendant sadopted by this court (set forth below). If this judgment is supervised release that the defendant pay any such restiterm of supervised release. The defendant shall comply	mposes a restitution obligation, it shall be a condition of itution that remains unpaid at the commencement of the
☑ The defendant shall report in person to the probation within 72 hours of release from the custody of the Bu	
\square The defendant shall pay any fines that remain unpaid a	at the commencement of the term of supervised release.
The defendant shall not possess a firearm or destruct	tive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons:
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reasc.	
Defendant: KENNETH NICHAEL SPROUTS Case Number: 92-cr-054-002-E	Judgment—Page 4 of 4
STATEMENT OF R	EASONS
☐ The court adopts the factual findings and guideline appli	cation in the presentence report.
OR	
The court adopts the factual findings and guideline appli (see attachment, if necessary):	cation in the presentence report except
The Court does not accept a two level enhancement	ent for firearms possession.
Guideline Range Determined by the Court:	
Total Offense Level:	
Criminal History Category:	
Imprisonment Range: 151 to 188 months	
Supervised Release Range: to5_ years	
Fine Range: \$ 17,500 to \$ 5,000,000	
▼ Fine is waived or is below the guideline range.	, because of the defendant's inability to pay.
Restitution: \$N/A	
☐ Full restitution is not ordered for the following	reason(s):
☐ The sentence is within the guideline range, that range of reason to depart from the sentence called for by applications.	does not exceed 24 months, and the court finds no ation of the guidelines.
OR OR	
The sentence is within the guideline range, that range of for the following reason(s):	exceeds 24 months, and the sentence is imposed
The Court believes that a sentence of 151 moof punishment and protection of the communit	onths successfully meets the objectives
OR	
The sentence departs from the guideline range	
upon motion of the government, as a result of defen	dant's substantial assistance.
☐ for the following reason(s):	·

United States District Courties of

Cumuro	winter but	44444	O Dur 4	THE STRICE
NORTHERN	District of	OKLAHOMA		STRICT OF COLUMN

UNITED STATES OF AMERICA V.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

FOI Offenses Committee Off of Arter November 1, 1997)

Case Number: 92-CR-054-003-E ENTERED ON DOCKET KEITH ANTON SPROUTS Charles Whitman (Name of Defendant) Defendant's Attorney THE DEFENDANT: 🛛 pleaded guilty to count(s) 1,7,8, and 10 of the Indictment after a was found guilty on count(s) plea of not quilty. Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses: Date Offense Count Number(s) Concluded Nature of Offense Title & Section 1 Conspiracy to Possess With Intent June 4, 1992 21 USC 846, 841(a)(1) & (b)(1) to Distribute and to Distribute Cocaine (A)(iii) Maintaining a Place Where Controlled October 17, 1991 21 USC 856(a)(1) Substances Are Distributed October 17, 1991 Possession of Firearm During a Drug 18 USC 924(c) Trafficking Crime Maintaining a Place Where Controlled Sub-October 17, 1991 10 21 USC 856(a)(1) stances Are Distributed The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984. The defendant has been found not guilty on count(s) and is discharged as to such count(s). Count(s) 2 & 6 of the Indictment (KS)(are) dismissed on the motion of the United States. It is ordered that the defendant shall pay a special assessment of \$200.00 ______, for count(s) 1,7,8 and 10 of the Indictment, which shall be due I immediately as follows: IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. Defendant's Soc. Sec. No.: 326-66-9893 December 29, 1992 Defendant's Date of Birth: ___ Date of Imposition of Sentence Defendant's Mailing Address: 1126 W. 110th St. Signature of Judicial Officer Chicago, Illinois 60643 James O. Ellison, Chief U.S. District Judge (Defendant currently in custody of BOP) Name & Title of Judicial Officer Defendant's Residence Address:

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In custody

AO 245 S (Rev. 4/90) Sheet 2 - Imprisonment			
Defendant: KEITH ANTON SPROUTS Case Number: 92-CR-054-003-E		Judgment-Page_2_	of <u>5</u>
	IMPRISONMENT		
The defendant is hereby committee a term of 211 months	ed to the custody of the United Sta	ates Bureau of Prisons to be	imprisoned fo
Cts. 1,7, & 10 - 151 months	as to each count to run c	oncurrently.	
Ct. 8 - 60 months	consecutive to Counts 1,7	, and 10.	
The court makes the following reco	ommendations to the Bureau of F	Prisons:	
Defendant be placed in an in allow visitation rights.	stitution close in proximi	ty to Chicago, Illino	is, to
☐ The defendant is remanded to the custody	of the United States marshal		
The defendant shall surrender to the United	d States marshal for this district,		
atp.m. on as notified by the United States man The defendant shall surrender for service o	rsnar.	by the Bureau of Prisons,	
 before 2 p.m. on as notified by the United States man as notified by the probation office. 	rshal.		
	RETURN		
I have executed this judgment as	follows:		
Defendant delivered on	to		at
		United States Marshal	
	Rv		•

Deputy Marshal

Defendant: KEITH ANTON SPROUTS

Judgment-Page 3 of -5

Case Number: 92-CR-054-003-E

SUPERVISED RELEASE

Upon release f	rom imprise	onment, the d	efendant s	hall be	on su	pervised r	elease	e for a te	erm of	five
years on Ct.	1 & thre	e (3) years	each on	Cts.	7,8,	and 10.	All	terms	are to	run
concurrently.										

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification
- 14) the defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

AO 245 S (Rev.	4/90) SI	heet 5	- Fine
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Defendant: KEITH ANTON SPROUTS Case Number: 92-CR-054-003-E Judgment-Page 4 of 5

FINE

or s	The defendant shall pay a fine of $\frac{1,500.00}{0}$. The fine includes any costs of incarceration and/upervision.
	This amount is the total of the fines imposed on individual counts, as follows:
	The court has determined that the defendant does not have the ability to pay interest. It is ordered that:
	 ☐ The interest requirement is waived. ☐ The interest requirement is modified as follows:
	This fine plus any interest required shall be paid: in full immediately. in full not later than
	 in equal monthly installments over a period of months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter. in installments according to the following schedule of payments:
	The fine is to be paid immediately. Any amount not paid immediately shall be paid during the term of incarceration, with any unpaid balance due during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

•	
AO 245 S (Rev. 4/90) Sheet 7 - Statement of Reas	
Defendant: KEITH ANTON SPROUTS Case Number: 92-CR-054-003-E	Judgment-Page 5 of 5
STATEMENT	OF REASONS
▼ The court adopts the factual findings and guideline	application in the presentence report.
	DR .
☐ The court adopts the factual findings and guideline (see attachment, if necessary):	application in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level: $\frac{34}{}$	
Criminal History Category:I	
Imprisonment Range: 151 to 188 months t	o be followed by 60 mo. consecutive sentence.
Supervised Release Range: 3 to 5 years	
Fine Range: \$ <u>17,500</u> to \$ <u>5,000,000</u>	
☐ Fine is waived or is below the guideline r	ange, because of the defendant's inability to pay.
Restitution: \$ _N/A	
☐ Full restitution is not ordered for the follo	wing reason(s):
☐ The sentence is within the guideline range, that ra reason to depart from the sentence called for by a	inge does not exceed 24 months, and the court finds no application of the guidelines.
gi _{ja}	OR
	inge exceeds 24 months, and the sentence is imposed
Minimum of guideline range provides adequ	ate punishment
	OR .
The sentence departs from the guideline range	
$\hfill\square$ upon motion of the government, as a result of	defendant's substantial assistance.
☐ for the following reason(s):	·

United States District Court

NORTHERN	District of	OKLAHOMA
	District C.	

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINA (For Offenses Committed On or After November 1, 1987)

2159 N. Hartford, #D

Tulsa, Oklahoma

mas

Case Number: 92-CR-054-004-E

Leonard Ha	rold Bunch	S Marribor. 32 9		DED 011
(Nan	ne of Defendant)	Curtis	The same and	RED ON DOCKET
THE DEFENDANT:		De	tendant's AttoreALL	12
지 pleaded quilty to cou	nt(s) <u>One, Two, Seven & Ten o</u> count(s)	f the Indictme	ent	after a
Accordingly, the de	fendant is adjudged guilty of such co	ount(s), which invo	olve the following o	offenses:
Title & Section	Nature of Offense		Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), and 841(b)(1)(B)	Conspiracy to Possess With Distribute Cocaine & Cocain		6-4-92	One
18:371	Conspiracy to Possess Firea a Drug Trafficking Offense	rm During	6-4-92	Two
21:856(a)(1)	Maintaing a Place Where Con Substances are Distributed	trolled	6-4-92	Seven & Ten
imposed pursuant to the	ntenced as provided in pages 2 throise Sentencing Reform Act of 1984.			
and is discharged as	een found not guilty on count(s) to such count(s). tve of the Indictment(189) defendant shall pay a special assess and Ten of the, which shall to Indictment	₩are) dismissed (on the motion of th	e United States
IT IS FURTHER OF 30 days of any change	RDERED that the defendant shall no of name, residence, or mailing addre oy this judgment are fully paid.	tify the United Sta	ates attorney for th	is district within
Defendant's Soc. Sec. No	: 355-54-0228			
Defendant's Date of Birth:	07-11-71	December	29, 1992	
Defendant's Mailing Addre	ess:	Date o	of Imposition of Sente	ence
	-	Sign	ature of Judicial Offi	cer
	The Court & SE	James O. Ellis	son, Chief U. S	. District judge
Defendant's Residence Ar	nate data (Name	& Title of Judicial Of	fficer

AO 245 S (Rev. 4	V90) Sheet 2 - Imprisonment		
Defendant: Case Numb	Leonard Harold Bunch Der: 92-CR-054-004-E	Judgment—Page2	of5
			•
The de \pm term of \pm	fendant is hereby committed to the custod 188 months in Counts One, Seven	ly of the United States Bureau of Prisons to be and Ten as to each count to run co	e imprisoned foncurrently.
	60 months as to Count Two, to r	run concurrently to sentence imposed	
	Counts One, Seven, and Ten.		
,			
		-	
7 The	rt makes the following recommendations	to the Duragu of Principa	
	the defendant be placed in an ins go, Illinois, if possible.	titution within close proximity to	
☑ The defend	dant is remanded to the custody of the United Stat dant shall surrender to the United States marshal f	es marshal. or this district,	
	a.m. p.m. on notified by the United States marshal. dant shall surrender for service of sentence at the	institution designated by the Bureau of Prisons,	
□ as	ore 2 p.m. onnotified by the United States marshal. notified by the probation office.		
	R	RETURN	
I have	executed this judgment as follows:		
Defend	lant delivered onto		
		, with a certified copy	of this judamer
		, 2 33 3 50	, <u>-</u>
٠			
		United States Marshal	
		Ву	·

Deputy Marshal

±U.S.GPO:1990-722-448/10286

Defendant:	Leonard	Harold	Bunch
Caca Mumba	r: 02-09-	-054-004	1_12

Judgment—Page 3 of 5

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of
 5 years as to Count One, and 3 years as to Counts Two, Seven, and Ten, as to each count to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- In the defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.
- That the defendant pay a fine of \$2,000 in Count One of the Indictment, to begin immediately, with any balance remaining to be paid during Supervised Release, as directed by the U. S. Probation Office.
- 2) That the defendant participate in a program of testing for drug usage, as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) that the defendant submit to urinalysis testing as directed by the U. S. Probation Office.

£151

Defendant:	Leonard	Harold	Bunch
Case Numbe	er: 92 -	CR-054-	004-E

Judgment—Page 4 of 5

FINE

or si	The defendant shall pay a fine of $\frac{2,000}{}$. The fine includes any costs of incarceration and/upervision.
X	This amount is the total of the fines imposed on individual counts, as follows: Count One of the Indictment
	The court has determined that the defendant does not have the ability to pay interest. It is ordered that: □ The interest requirement is waived.
	 ☐ The interest requirement is modified as follows: This fine plus any interest required shall be paid: ☑ in full immediately.
	 in full not later than
	Any unpaid fine balance remaining upon discharge from confinement shall be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

AÖ 245 Ş (Rev. 4/90) Sheet 7 - Statement of Reasc	
Defendant: Leonard Harold Bunch Case Number: 92-CR-054-004-E	Judgment—Page5 of5
STATEMENT OF	REASONS
▼ The court adopts the factual findings and guideline ap	plication in the presentence report.
OR	
☐ The court adopts the factual findings and guideline ap (see attachment, if necessary):	plication in the presentence report except
Guideline Range Determined by the Court:	
Total Offense Level:36	
Criminal History Category:	
Imprisonment Range: 188 to 235 months	
Supervised Release Range: to _5_ years	
Fine Range: \$ 20,000 to \$ 5,000,000	
Fine is waived or is below the guideline range	ge, because of the defendant's inability to pay.
Restitution: \$ N/A	
☐ Full restitution is not ordered for the following	ng reason(s):
☐ The sentence is within the guideline range, that range reason to depart from the sentence called for by app	e does not exceed 24 months, and the court finds no lication of the guidelines.
OF.	}
The sentence is within the guideline range, that range	
The lowest end of the guideline range adequation criminal behavior.	ately punishes the defendant for his
OF	₹
The sentence departs from the guideline range	
$\hfill \square$ upon motion of the government, as a result of def	endant's substantial assistance.
☐ for the following reason(s):	
•	•

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United States District Court Court of Oklahoma

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

Date

	V	For Offenses Com	nmitted On or Af	fter Novemb	er 1, 1987)
D1177.7	•	Case Number:	92-CR-054-	-005-E Ent ère	D ON DOCKET
	me of Defendant)		Steve Stidhar	n DATE	1-6-93
THE DEFENDANT:			Defendant's Attor	ney	
was found guilty off plea of not guilty.	unt(s) One, Three, Seven, a				
Accordingly, the d	efendant is adjudged guilty of suc	ch count(s), which	involve the follo	owing offens	es:
Title & Section	Nature of Offense		Date Offer Conclude		Count umber(s)
21:846, 841(a)(1)	Possession w/Intent to Di				One
.8:924(c)	Possession of Firearm in	a Drug Trafficl	ting trime		hree
21:856(a)	Maintaining Place Where C are Distributed	ontrolled Subst	tances	" 5	Seven
21:856(a)(1)	Maintaining Place Where Care Distributed	ontrolled Subs	tances	11	Ten
The defendant is s imposed pursuant to th	entenced as provided in pages 2 ne Sentencing Reform Act of 1984	through4 4	of this judgmen	it. The sente	nce is
and is discharged a XX Count(s) Two and XX It is ordered that the One, Three, Sev IT IS FURTHER C	Five of the Indictment of defendant shall pay a special as en, and Ten of the Indictment ORDERED that the defendant sha	(略)(are) dismisssessment of \$ hall be due 斌 ima all notify the United	sed on the motion 200.00 mediately attorned	as follows: by for this dis	or count(s) strict within
30 days of any change assessments imposed	e of name, residence, or mailing a by this judgment are fully paid.	address until all tin	es, restitution, c	costs, and st	Deciai
Defendant's Soc. Sec. N	o.:343 - 66-9470				
Defendant's Date of Birth	n:December 31, 1970	E	ecember 29,	1992	
Defendant's Mailing Add		D	ate of Imposition	of Sentence	•
c/o Bureau of Pris	ons		Signature of Judi	Y	
Dallas, Texas		James O. El	llison, Chief		trict Judge
Defendant's Residence	Address:	100	ame & Title of Ju		

BM Callacge

AO 245 S (Rev. 4/90) Sheet 2 - Impri	sonment		
Defendant: JACKSON Case Number: 92-CR-0	N, PHILLIP OMAR 054-005-E	Judgment-Page2	2 of4
Case Number. 92-ck-0		PRISONMENT	
The defendant is her	eby committed to the cus	tody of the United States Bureau of Prisons to I	be imprisoned for
a term of 211 mor		<u> </u>	•
151 months as to 60 months as to	Counts One, Seven, Count Three, to ru	and Ten, to run concurrently. n consecutively to Counts One, Seven	, and Ten∵
		4 H - D - 4 D in and	
The court makes the	following recommendation	ons to the Bureau of Prisons:	
Placement at a f	acility in Fort Wort	th, Texas, if available.	
☒ The defendant is remanded☐ The defendant shall surrena.m.	I to the custody of the United der to the United States marsl	States marshal. hal for this district,	
atp.m. o	on	·	
☐ The defendant shall surren ☐ before 2 p.m. on	der for service of sentence at	the institution designated by the Bureau of Prisons,	
as notified by the U	Inited States marshal.		
,e		OCTUDA	
		RETURN	
I have executed this	judgment as follows:		
			·
			·
Defendant delivered	Lon to	0	at
Delendant delivered		·	of this judgment
		, with a certified copy	or and judyment
		United States Marshal	

Ву ___

Deputy Marshal

±U.S.GPO:1990-722-448/10286

Judgment—Page __3__ of _ Defendant: JACKSON, PHILLIP OMAR Case Number: 92-CR-054-005-E SUPERVISED RELEASE Upon release from imprisonment, the defendant shall be on supervised release for a term of _ 5 years as to Count One, 3 years as to Counts Three, Seven, and Ten, all to run concurrently. While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions: The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons. ☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the deferidant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;

The defendant shall not possess a firearm or destructive device.

- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

AO 245 S (Rev. 4/90) S	Sheet 7 - Statement of Reason	
Defendant: Case Number:	JACKSON, PHILLIP OMAR 92-CR-054-005-E	Judgment-Page 4 of 4
		NT OF REASONS
XX The court as	dopts the factual findings and guideli	ne application in the presentence report.
	,	OR
	dopts the factual findings and guidel ment, if necessary):	ine application in the presentence report except
Guideline Ran	ge Determined by the Court:	
Total Offens	se Level:34	
Criminal His	story Category:	
Imprisonme	nt Range: 151 to 188 months	with 60 months consecutive
Supervised	Release Range: xxxxxx 5 years	
Fine Range	: \$ <u>17,500</u> to \$ <u>5,000,000</u>	
₹x Fi	ne is waived or is below the guidelin	e range, because of the defendant's inability to pay.
Restitution:	\$ <u>N/A</u>	
☐ Fi	ull restitution is not ordered for the fo	ollowing reason(s):
	ce is within the guideline range, that lepart from the sentence called for b	range does not exceed 24 months, and the court finds no application of the guidelines.
g er .		OR
	ce is within the guideline range, that owing reason(s):	range exceeds 24 months, and the sentence is imposed
The Court	finds the recommended sentende of criminal activity.	e adequately addresses just punishment and
		OR
The sentence	departs from the guideline range	
□ upon mo	otion of the government, as a result of	of defendant's substantial assistance.
☐ for the fo	ollowing reason(s):	

FILED

United States District Court

Northern District of Oklahoma

ICHERO M. Lawrence, Clark U.S. DISTRICT COURT LESTIEM DISTRICT OF COURT

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Name & Title of Judicial Officer

uang Date

		Case Number:	92-CR-054-006-E	
STEVF	N CARTER DOTTS			ITERED ON DOCKE
(N	ame of Defendant)	Ron	nald Daniels	TE-1-6-9.3.
FUE DEEENDANT.		D	efendant's Attorney	
THE DEFENDANT:	One. Seven. Eigh	t, and Ten of the	Indictment	
pleaded guilty to complea of not guilty.	n count(s)			after a
Accordingly, the	defendant is adjudged guilty of	such count(s), which inv	olve the following o	offenses:
Title & Section	Nature of Offense		Date Offense Concluded	Count Number(s)
21:846, 841(a)(1) (b)(1)	Conspiracy to Possess w (A)(iii) & to Distribute	/Intent to Distribute Cocaine	ute 06-04-92	One
21:856(a)(1)	Maintaining a Place Whe Substances are Distr		10-17-91	Seven
18 : 924(c)	Possession of Firearm I of a Drug Traffickin		10-17-91	Eight
21:856(a)(1)	Maintaining a Place Whe	ere Controlled	10-91	Ten
The defendant is imposed pursuant to	Substances are Distr sentenced as provided in pages the Sentencing Reform Act of 19	s 2 through of	this judgment. The	sentence is
and is discharged CM Count(s) Two, Fo CM It is ordered that the One, Seven, E: UT IS FURTHER	our, Six, and Nine of the ne defendant shall pay a specia light, and Ten of the which Indictment ORDERED that the defendant seems	Indictment	on the motion of the 0.00 diately as follows attorney for the	, for count(s) ws: his district within
30 days of any chang assessments impose	e of name, residence, or mailind by this judgment are fully paid	g address until all fines. I.	, restitution, costs, a	and special
Defendant's Soc. Sec. I	No.: 323-64-2690			
Defendant's Date of Bir	th: <u>June 6, 1971</u>		mber 29, 1992	
Defendant's Mailing Ad	dress:	Date	of Imposition of Sent	ence
1108 West 110th	Street	// Sig	nature of Judicial Off	icer
Chicago, IL 60643		Tames O. Ell	ison. Chief U.	S. District Judge

Defendant's Residence Address:

1108 West 110th Street

Chicago, IL 60643

in this Court,

AO 245 S (Rev.	4/90) Sheet 2 - Impriso	onment			
Defendant: Case Numb	DOTTS, S ber: 92-CR-05	STEVEN CARTER 64-006-E	IMPRISONMEN	Judgment—Page <u>2</u>	of <u></u> 5
The de	efendant is here 211 month	by committed to th	e custody of the Ur	nited States Bureau of Prisons to be	imprisoned fo
			151 months as t	o each count to run concurr	ently.
	Count Eight:	60 months to		ly to sentence imposed in	•
The (placed in an i	ndations to the Bur Institution as o	eau of Prisons: close to Chicago, Illinois a	.s
	-				
The defend	dant shall surrende a.m.	er to the United States	Jnited States marshal. s marshal for this distric	zt,	
as □ The defend		ted States marshal. er for service of senter	nce at the institution de	esignated by the Bureau of Prisons,	
□ as	notified by the Uni	ted States marshal.	Managaria and Alexander American		
			RETURN		
I have	executed this j	udgment as follow	rs:		
Defend	dant delivered o	on	to		
	· · · · · · · · · · · · · · · · · · ·			, with a certified copy o	f this judgmen
				Date of Charles Annual A	
		* •		United States Marshal	

Deputy Marshal

+U.S.GPO:1990-722-448/10286

Defendant:

DOTTS, STEVEN CARTER

Judgment—Page __3___ of __

Case Number:

92-CR-054-006-E

SUPERVISED RELEASE

	Upon re	elea	se f	rom imp	orisc	nme	nt,	the def	end	ant	shall be	on:	supe	ervise	d rel	lease f	or a terr	n of	f		
5	years	as	to	Count	1,	and	3	years	as	to	Counts	7,	8,	and	10,	each	count	to	run	concurrer	ıt1y

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- Ix The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall participate in a program of testing and treatment for drug abuse, as directed by the U. S. Probation Office, until such time as the defendant is released from the program by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant:

A.44

DOTTS, STEVEN CARTER

Case Number: 92-CR-054-006-E

Judgment—Page 4 of 5

FINE

or su	The defendant shall pay a fine of $\frac{1.500.00}{0.00}$. The fine includes any costs of incarceration and upervision.
	This amount is the total of the fines imposed on individual counts, as follows:
	The court has determined that the defendant does not have the ability to pay interest. It is ordered that:
	☐ The interest requirement is waived. ☐ The interest requirement is modified as follows:
	This fine plus any interest required shall be paid: This fine plus any interest required shall be paid: In full immediately. In full not later than
	 in equal monthly installments over a period of months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter. in installments according to the following schedule of payments:
	The Court further orders any amount not paid immediately shall be paid during the term of imprisonment, with any remaining unpaid balance to be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Case Number:	DOTTS, STEVEN CARTER 92-CR-054-006-E	Judgment—Page5	_ of5
	STATEMENT	OF REASONS	<u>.</u>
The court ado	pts the factual findings and guideline	e application in the presentence report.	
		OR	
☐ The court add (see attachme	pts the factual findings and guideline ent, if necessary):	e application in the presentence report exce	∍pt
Guideline Range	e Determined by the Court:		
Total Offense	Level:		
Criminal Histo	ory Category:I		
Imprisonment	Range: 151 to 188 months	with 60 months consecutive	
Supervised R	elease Range: <u>xxxxx</u> 5 years		
Fine Range: S	17,500 to \$ 5,000,000		
x⊠ Fine	e is waived or is below the guideline	range, because of the defendant's inability	to pay.
Restitution: \$	N/A		
☐ Full	restitution is not ordered for the following	owing reason(s):	
☐ The sentence reason to dep	e is within the guideline range, that re part from the sentence called for by	ange does not exceed 24 months, and the application of the guidelines.	court finds no
etin Ameri		OR	
The sentence for the follow	ving reason(s):	ange exceeds 24 months, and the sentence	
Based upon absence of	the statutorily required 60 moprior criminal involvement.	onth consecutive term in Count Eight	, and the
		OR	
The sentence d	eparts from the guideline range		
☐ upon mot	ion of the government, as a result of	defendant's substantial assistance.	
☐ for the fol	lowing reason(s):		
	:		

ั AO โฆร์ S (Rev. 4/90) Sheet 7 - Statement of Reas

STERED ON DOCKE

IN THE UNFIED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. 92-CR-138-E

BRENT LAMAR SMALLWOOD,

Defendant.

ORDER

The Court has for consideration the Amended Motion of the Government for Dismissal of Count III of the Indictment (docket #11) and the Motion of the Defendant to dismiss the Indictment in its entirety (docket #10). The Court has reviewed the record in light of the relevant law and - finding the arguments of the Government to be compelling - concludes that only Count III of the Indictment should be dismissed.

IT IS THEREFORE ORDERED that Defendant's motion is denied; Plaintiff's motion is granted; Count III of the Indictment is hereby dismissed.

So ORDERED this _____ day of January, 1993.

JAMES D. ELLISON, Chief Judge UNITED STATES DISTRICT COURT